



OCONEE COUNTY COUNCIL
ABSTENTION FORM

Council Member Name: _____

Wayne McCall

[Please Print]

Council Member Signature: _____

[Handwritten Signature]

Meeting Date: _____

9/16/11

Item for Discussion/Vote: _____

2011-14

Reason for Absention: _____

I was not present for original meeting/discussion

I have a personal/familial interest in the issue.

Other: _____

property owner
of parcel in request

[Handwritten Signature]

Elizabeth G. Hulse
Clerk to Council

[This form to be filed as part of the permanent record of the meeting.]



PUBLIC COMMENT SESSION SIGN IN SHEET

OCONEE COUNTY COUNCIL MEETING

Tuesday, September 6, 2011

6:00 PM

Limited to forty [40] minutes, four [4] minutes per person.

Please be advised that citizens not utilizing their full four [4] minutes may not "donate" their remaining time to another speaker. As stated above, each speaker is restricted to four [4] minutes.

Citizens with comments related to a specific action agenda item will be called first.

If time permits additional citizens may be permitted to speak on a non agenda items [at the discretion of the Chair].

Everyone speaking before Council will be required to do so in a civil manner. Council will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.

Council may make closing comments directly following the public & extended public comment sessions if time permits.

PLEASE PRINT INFORMATION BELOW

	FULL NAME	AGENDA ITEM FOR DISCUSSION	NON-AGENDA ITEM FOR DISCUSSION
1	STEVEN MOORE	ZONING	
2	LARRY LINSIN		PROPERTY ACQUISITION
3	GARY OWENS	2011-14	
4	George Taylor	"	
5	ED CARD	"	
6	DARLENE SPROWS	"	
7	KEVIN MINTON	"	
8	Demetrius	ZONING	
9	Hal Marcus	ZONING	
10	Boho Recharl	ordnance 2011-23	
11	Lillie Davis	Cane Creek zoning	
12	Tim Codner	Cane Creek zoning	
13	Susie Cornelius	\$15 Millage	
14			
15			
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Comments concerning Propex site
County Council meeting
September 6, 2011
Larry Linsin

According to recent news reports, you're now in the "due diligence" phase of buying the Propex property. That, of course, includes a clearance from DHEC that county taxpayers will not be caught with a huge cleanup bill if we become the new owners of this designated brownfield site. It is also necessary to guarantee taxpayers that we will not have to pay dearly to clean up the site if a potential buyer makes that a condition for purchase. I assume you're doing your "due diligence" on both concerns.

But DHEC is not the only environmental agency we have to deal with. There's also EPA. A year ago, several of us made you aware that the Propex site, formerly the Phillips Fiber and Amoco sites, was listed in the EPA database as an archived Superfund site. A year ago, I called EPA in Atlanta, and asked what "archived site" meant. I was told that the site had moved from "active" to "archived", which essentially means moved to the back burner for now. No action is currently underway. The EPA representative told me she found no information in the file telling EPA that the problems that led to Superfund listing had been resolved...just archived. Archived does not mean resolved.

At 9:10 A.M., August 22, just a few weeks ago, I contacted EPA again. I was told the site is still listed as “archived”. There have been no status changes.

The news report I mentioned earlier mentioned some old tires on site, but no serious problems. But in DHEC’s own report, years ago, DHEC listed a landfill with 100 tons of polypropylene fiber. Has that been removed? If not, will taxpayers have to pay for removal? Is it a liability?

As I said a year ago, there may be no problem on the Propex site that would result in a mandatory cleanup, ordered by either DHEC or EPA. But getting DHEC’s clearance is only part of the guarantee we need before you make us buy this latest addition to the speculation land inventory. We need a written guarantee from EPA also that taxpayers will not be held liable or responsible for any cleanup that may be ordered later, or before we can unload the land on a potential buyer. If there’s no problem, and future liability is not a problem, then EPA would surely give us that guarantee in writing.

I want to make EPA’s own Superfund document, EPA ID number SCD049126055, and these comments part of the record of tonight’s meeting.

Lastly, I hope due diligence also includes determining who will pay to maintain the rail spur into the site, and what recurring maintenance costs may be, if that also will fall on taxpayers.

Attachment: EPA document: EPA ID SCD049126055



Superfund

<http://cfpub2.epa.gov/supercpad/cursites/csitinfo.cfm?id=0403296>

Last updated on Friday, August 20, 2010

You are here: [EPA Home](#) [Superfund](#) [Sites](#) [Superfund Information Systems](#) Search Superfund Site Information

Search Superfund Site Information

PHILLIPS FIBER CORP

Site Information

[Site Info](#) | [Aliases](#) | [Operable Units](#) | [Contacts](#)
[Actions](#) | [Contaminants](#) | [Site-Specific Documents](#)

This site has been archived from the inventory of active sites.

Site Name: PHILLIPS FIBER CORP

Street: SHILOH RD

City / State / ZIP: SENECA, SC 29678

NPL Status: Not on the NPL

Non-NPL Status: NFRAP-Site does not qualify for the NPL based on existing information

EPA ID: SCD049126055

EPA Region: 04

County: OCONEE

Federal Facility Flag: Not a Federal Facility

[Return to Search Results](#)

[Return to Search Superfund Site Information](#)

[OSWER Home](#) | [Superfund Home](#)

URL: <http://cfpub2.epa.gov/supercpad/cursites/csitinfo.cfm>
This page design was last updated on Tuesday, June 23, 2009
Content is dynamically generated by ColdFusion

Comments to Council

September 6, 2011

Re: Ordinance 2011-14

Good evening Mr. Chairman and County Council members. Thank you for the opportunity to address you regarding Ordinance 2011-14.

I would like to thank the Planning Department and the Planning Commission for their work in reviewing all the details for this ordinance. As you know this area in Oconee County is largely residential in nature, but also has an area of supporting services that are recommended by the Planning Department and Planning Commission to be Community Commercial.

I recommend your approval of the second reading of Ordinance 2011-14. However, I would respectfully request your future consideration regarding the following:

The Planning Department and the Planning Commission have excluded the large parcel of property adjacent and to the west of the Estates at Riverstone. This large parcel has several hundred feet of shoreline on Lake Keowee. Much of this parcel does not abut Lake Keowee and continues for a significant distance north of the lake. The owners (whom I met with on June 17 to discuss the petition) have stated that this land is being used for the growing and harvesting of timber. While I do believe this is their sincere intention, I am concerned about the future protection of the lake when this parcel changes hands, as it undoubtedly will in time. I understand the dilemma of the Planning Department and the Planning Commission in considering all of this property as either Lake Residential or Residential. I also understand and appreciate the owner's position that not "all" of their land should be lake residential since it stretches so far from the lakeshore.

I believe this dilemma has presented an interesting opportunity for solving the “large parcel on the lake” issue going forward. I respectfully request that the County Council expedite the strengthening of the lake overlay to include lake residential zoning performance measures. As lake residential standards would restrict commercial enterprise in such areas, I also request that County Council establish appropriate commercial standards to serve as “special exceptions” within the lake residential designation. With such specifications in place, large parcel owners would not have to be “either/or” but could zone their land in concert with their land use while the lake overlay would protect the 750’ of land adjacent to the shoreline. I believe all parties would see this as a “win/win” scenario from a zoning perspective.

With these recommendations in mind, please approve Ordinance 2011-14 for second reading and proceed to the public hearing and third reading.

Gary Owens

Salem, SC

Comments to the Oconee County Council

September 6, 2011

Good evening Mr. Chairman and members of the county council.

I'm Edwin Card, Treasurer of the Keowee Harbours homeowners association and representative of ^{our}for _λcommunity tonight. Keowee Harbours consists of 112 residential lots located on Rt. 130, directly across the highway from Keowee Key.

When the zoning petition was distributed to our property owners, 65% responded favorably; there were no negative responses. Recent discussions with Keowee Harbours residents has convinced me that the 65% figure supporting designation of our community as Lake Residential would increase substantially if the petition were re-circulated today.

Keowee Harbours properties adjoin the area along Rt. 130 where the Subway restaurant, Ware Realty, Upstate Insurance, Wine Emporium, Key Mart, and 1st Choice Realty are located. This is the commercial area referred to a few moments ago by Mr. George Taylor. Our community enjoys a friendly, cooperative relationship with these businesses and we strongly support the designation of this property as Community Commercial, since it accurately describes the type of commerce being conducted.

The property owners I represent tonight believe that adoption of the Ordinance 2011-14 Stamp/Creek/Keowee Key Zoning Petition simply makes good sense to us and would be of benefit to Oconee County.

Thank you for allowing me the opportunity to express the views of Keowee Harbours property owners tonight.

Debbie Barrow - 882-7453
Wayne McCall - 638-6483

May 3, 2010

Oconee County Planning Department
415 S. Pine Street
Walhalla, SC 29691

Attn: Aaron Gadsby, CFM
County Planner, and Oconee County Council

This letter is in reference to the Petition that Jim Codner has previously submitted to County Council and Oconee County Planning Department to zone properties located in the South Cove Park area and Cane Creek.

Today, we are submitting signatures from property owners in the South Cove area because we are not satisfied with his selection of how we should be zoned. The zoning choices he, or whomever helped to decide for us, is not our choice. We would like to be zoned as Traditional Rural District as this is more suited for our lifestyle, and a choice of our own, not by some elite group that chose to choose for us. All of these property owners have owned or lived at these properties for many years and feel very confident that they maintain some authority as to how it is used. None of these requests have come from any developed subdivision. Included in this group of requests is some property that is lakefront, but not in a subdivision, and has been in each family for many years, passed down through family members. The lake came to them. The acres in these requests is approximately 140 and is not what you might call a petition, but we were advised by the Planning Department that presenting by this method would be recognized in that we do not agree with Mr. Codner and that we would receive recognition and our request would be considered. Hopefully as we have requested.

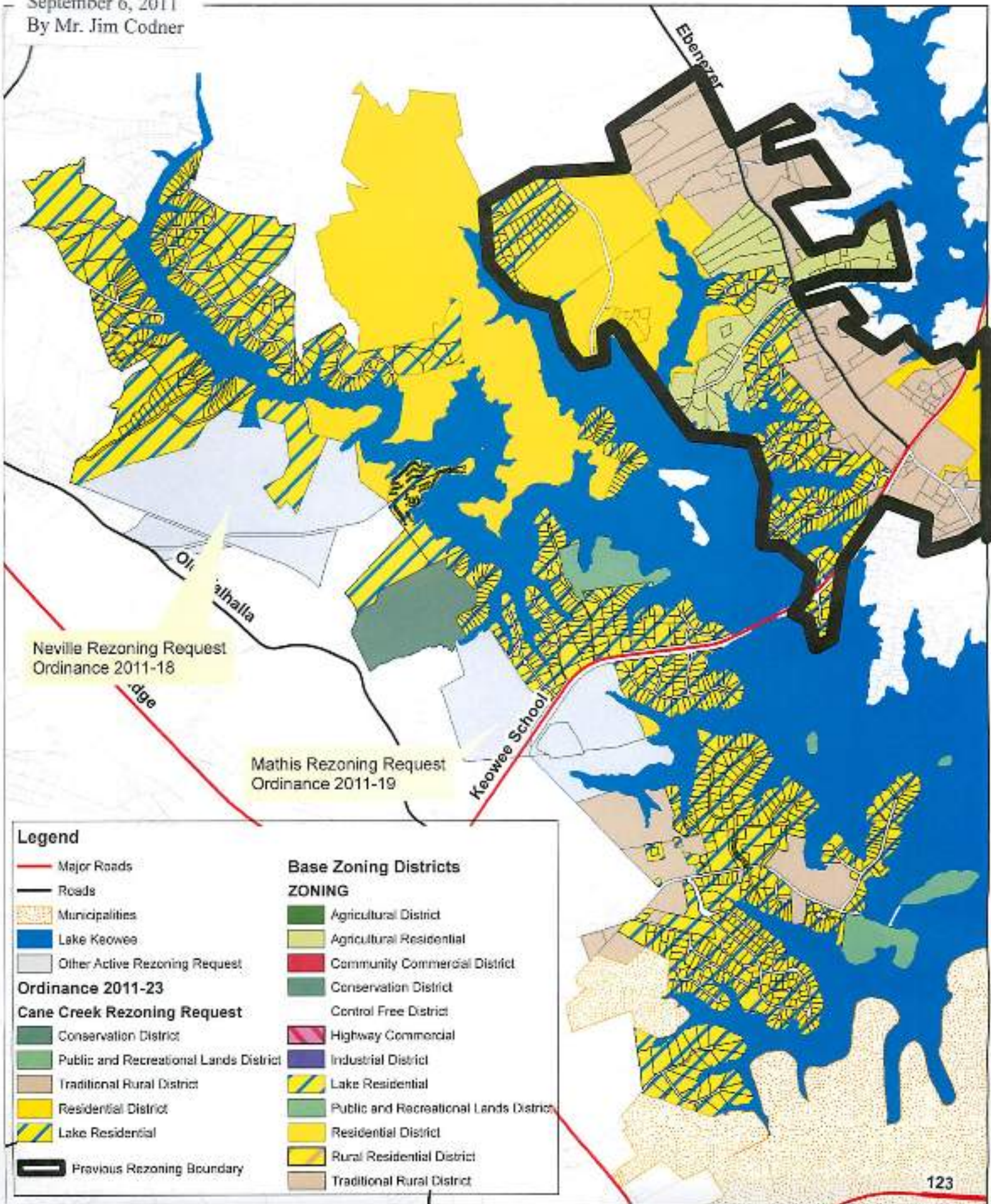
Also, we would like to add, as Mr. Codner stated the primary goal was to prevent lakeside properties from unrestrained development that would negatively impact property values and the pristine residential nature of the lake, and he also included South Cove Road in his protection clause. We would like to add "we are well aware of safeguarding the future of our property also."

We would like to thank both the Planning Department and County Council for their consideration.

Lillie C. Davis
Willie Jo B. Powell

Submitted during
Public Comment on
September 6, 2011
By Mr. Jim Codner

Ordinance 2011-23 Cane Creek Rezoning Request (as petitioned)



TO Oconee County Council Members

Sept. 6, 2011

To Oconee County Council Members,

My name is Edward Barker. I own a 12 acre piece of property, Parcel# 110-00-01-008, 110-00-01-014, 110-00-01-013 and 110-00-01-012 located at Barker Hill Drive, Stamp Creek Landing Road, Seneca, South Carolina. This property is currently included in the new rezoning map (Keowee Key/Stamp Creek) that was approved by Oconee County Planning Commission as Agricultural District (AD).

This property at no point borders the lake. There is no lake access from this property. This property does not join any lake developments. This property is known as the "Old Barker Farm". This land consists of approximately 8 acres farmland and 4 acres timber.

I was given part of this property and bought the rest from family members. This farm has sentimental value to me because I was raised on this farm and have lived here all my life (62 years).

I built on this property and purchased more from family members because I desired this "lifestyle". In the Zoning Enabling Ordinance, Article 1 Legal Provisions Section 38-1.1 Purpose- It states in the last sentence, "These regulations have been made with reasonable consideration of the character of each community and reflect concern for protecting the property and "Lifestyles" of all Oconee County citizens".

Please consider this letter as a sincere request to have Parcel # 110-00-01-008, 110-00-01-014, 110-00-01-013 and 110-00-01-012 remain as Agricultural District (AD) based on the location from the lake, farmland and timber, and my chosen lifestyle.

Thank you,

Edward Barker

1063 Barker Hill Dr

Seneca, S.C.

864-882-3011



UpstateSCAlliance



Summary of 2010 Activities:

- 202 Upstate Overview Presentations
- 36 Requests for Information
- 41 Company Visits generated
- 10 Trade Shows and/or Conferences attended
- 5 Events Hosted in the Upstate
- 10 Mission Trips Conducted
- 3,017 Companies Called -> *led to direct 4 projects*



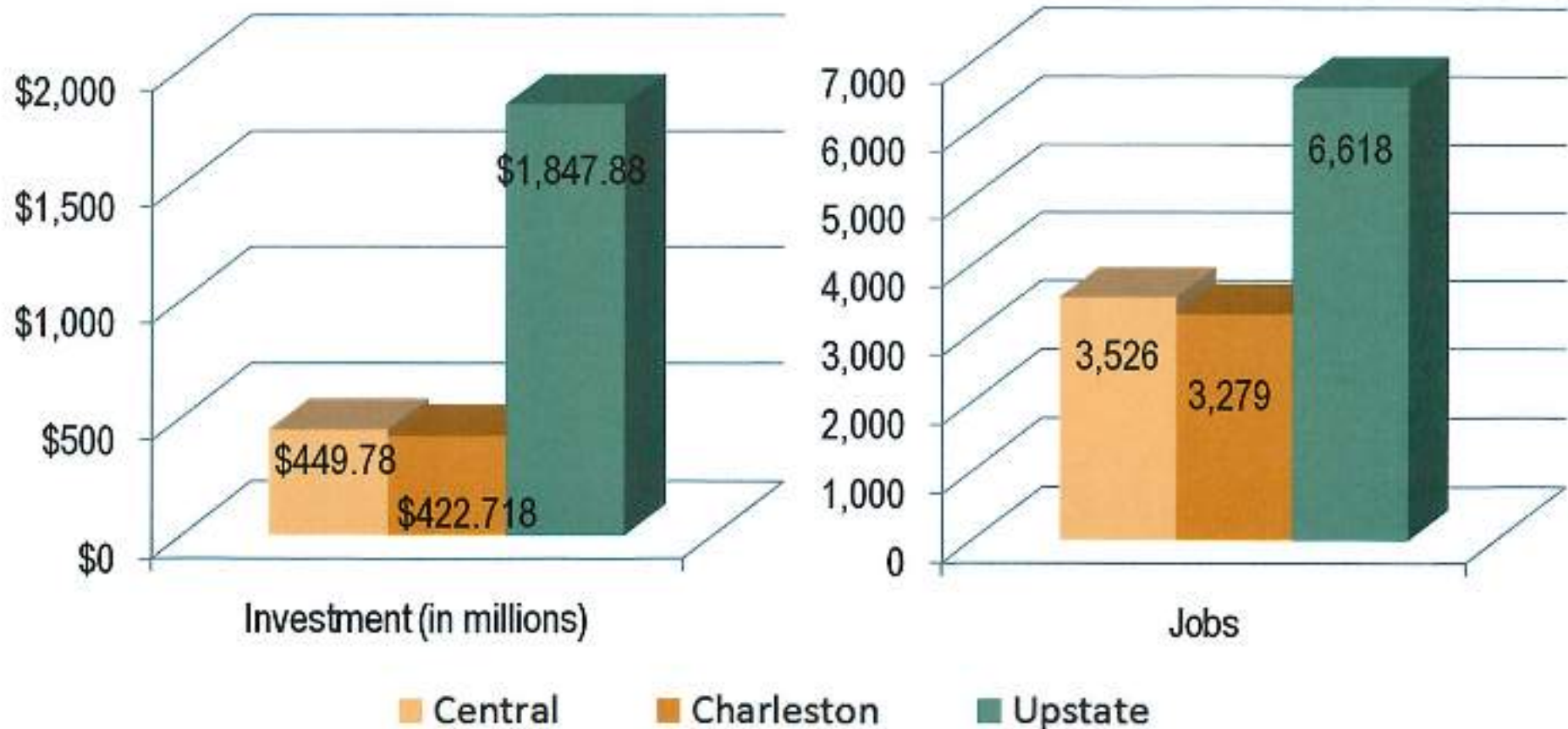
2010 Announcements in the Region

- 44 Total Announcements
 - 18 New companies
 - 26 Existing companies
 - *38 of 44* in UA Target Industries
- \$1,847,880,000 in announced capital investment
- 6,618 announced jobs recruited to Upstate



2010 Marketing Highlights

LEADING THE STATE





2011 (Year to Date) Announcements in the Region

- 27 Total Announcements
 - 12 New companies
 - 15 Existing companies
 - *18 of 27* in UA Target Industries
- \$330,265,000 in announced capital investment
- 3,188 announced jobs recruited to Upstate



Our Initiatives

2011 Marketing

-13 Tradeshows/Conferences

- Completed: Photonics West, SEMDA, SAE World Congress, IAMC Spring, Meet the Consultants, Paris Air Show, WindPower 2011, Roundtable in the South, BIO, SEDC
- Upcoming: IAMC Fall, AdvaMed, Corenet

-5 Inbound Events

- Completed: Food for Thought & BMW Charity Pro-Am
- Upcoming: Euphoria, AIC, SEDC YP

-8 Mission Trips

- Completed: Atlanta, West, Chicago, New York/New Jersey, Greater Detroit
- Upcoming: European, Canada & Asia





Our Initiatives

Additional initiatives:

- Property Promotion
- Call program
- Spinatours
- Personalized URLs/microsites
- Industry-specific newsletters
- Target Industry Sheets





Upcoming Events

September:

- European Mission, September 12-16
- IAMC Fall, September 11-14
- Euphoria, September 22-25
- AIC Delegation, September 25-26
- AdvaMed, September 26-28



IAMC
Industrial Asset Management Council

Winter:

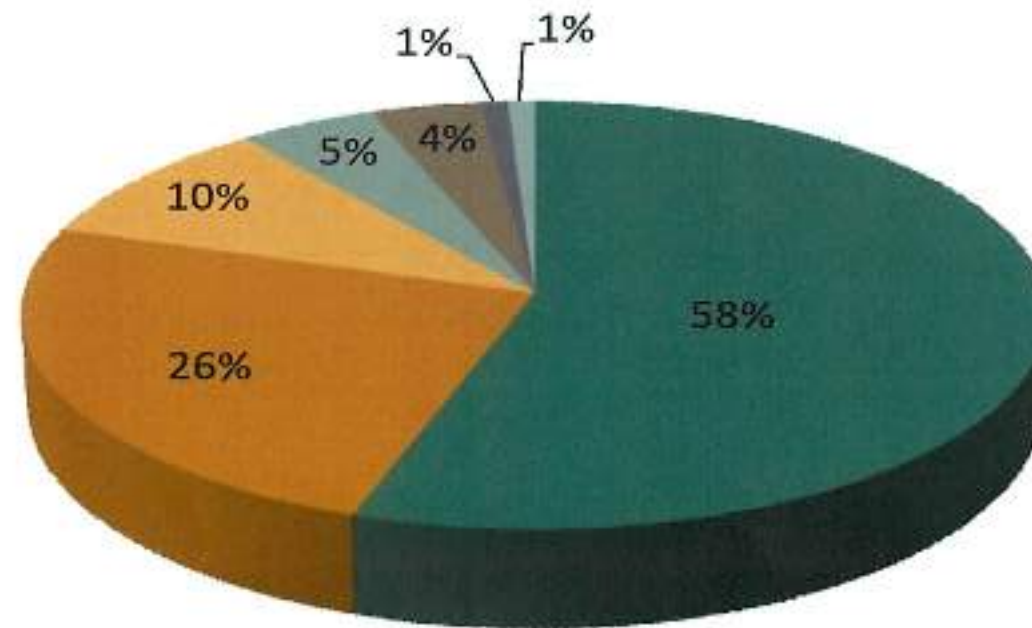
- InnoMobility, October 18-19
- Corenet, November 6-8
- SEDC Young Professional Event, November 3-4
- Asian Mission, November 9-22
- Canada Mission, December 12-16

euphoria
the southeast's premier pairing of food, wine & music


CORENET
GLOBAL



Revenue by Source



- Private Sector Income
- Public Sector Income
- State Funds
- In-Kind
- Grants
- Sponsorships & Other Revenue
- Foundation Monies (non-grant related)



- New Public Sector Funding Formula
- State Funding
- Private Sector Funding to match
 - Call to action for match



PROPERTY PROMOTION CAMPAIGN

Objective: To utilize the Upstate SC Alliance's marketing efforts to increase the visibility of the Upstate's top properties to companies and Centers of Influences (site consultants, brokers, etc.) on a global level.

Oconee County: Oconee Spec Building





PROPERTY PROMOTION CAMPAIGN

Driving Traffic to the 4 Microsites

•Dedicated call program

- 50 companies per property
- 2 week time span
- Includes calls, emails and direct mail

•Web ads

- Over 1 million impressions
- 10 targeted publications

•Google Adwords

The screenshot displays the Upstate SC Alliance website with several key sections:

- MaterialShipUpstateSC.com**: A navigation menu with links for "About the Industry", "Industry Properties", and "Contact Us".
- Find your Next Location**: A section featuring a photo of a man in a suit and a link to "View our State of South Carolina and the Upstate's Economic".
- Company Testimonials**: A section with text describing the benefits of the Upstate region for companies, including access to a skilled workforce and infrastructure.
- Research Excellence**: A section with a photo of a laboratory setting and text highlighting the region's research capabilities.
- Available Properties**: A section with a photo of a large industrial facility and text listing available properties.
- Research Excellence**: A section with a photo of a laboratory setting and text highlighting the region's research capabilities.
- Available Properties**: A section with a photo of a large industrial facility and text listing available properties.



Upstate SC Alliance

Thank you!

Hal Johnson, President/CEO

Upstate SC Alliance

Office: 864.283.2300

Email: hjohnson@upstatealliance.com

Website: www.upstatealliance.com



REDISTRICTING PLAN 1 MAP &
RESOLUTION/ORDINANCE
PUBLIC HEARING
SIGN IN SHEET

OCONEE COUNTY COUNCIL MEETING
DATE: September 6, 2011 6:00 p.m.

[1] Oconee County Council Redistricting Plan 1 Map

[2] Resolution 2011-11 "A RESOLUTION ADOPTING CRITERIA TO BE USED IN DEVELOPING THE 2010 REDISTRICTING PLAN"

[3] Ordinance 2011-28 "AN ORDINANCE TO ADOPT A REDISTRICTING PLAN FOR OCONEE COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO"

Everyone speaking before Council will be required to do so in a civil manner.

Council will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.

Public comment during a public hearing is not limited to four minutes per person.

Sign up sheets will be available thirty minutes prior to the hearing for those interested in addressing Council.

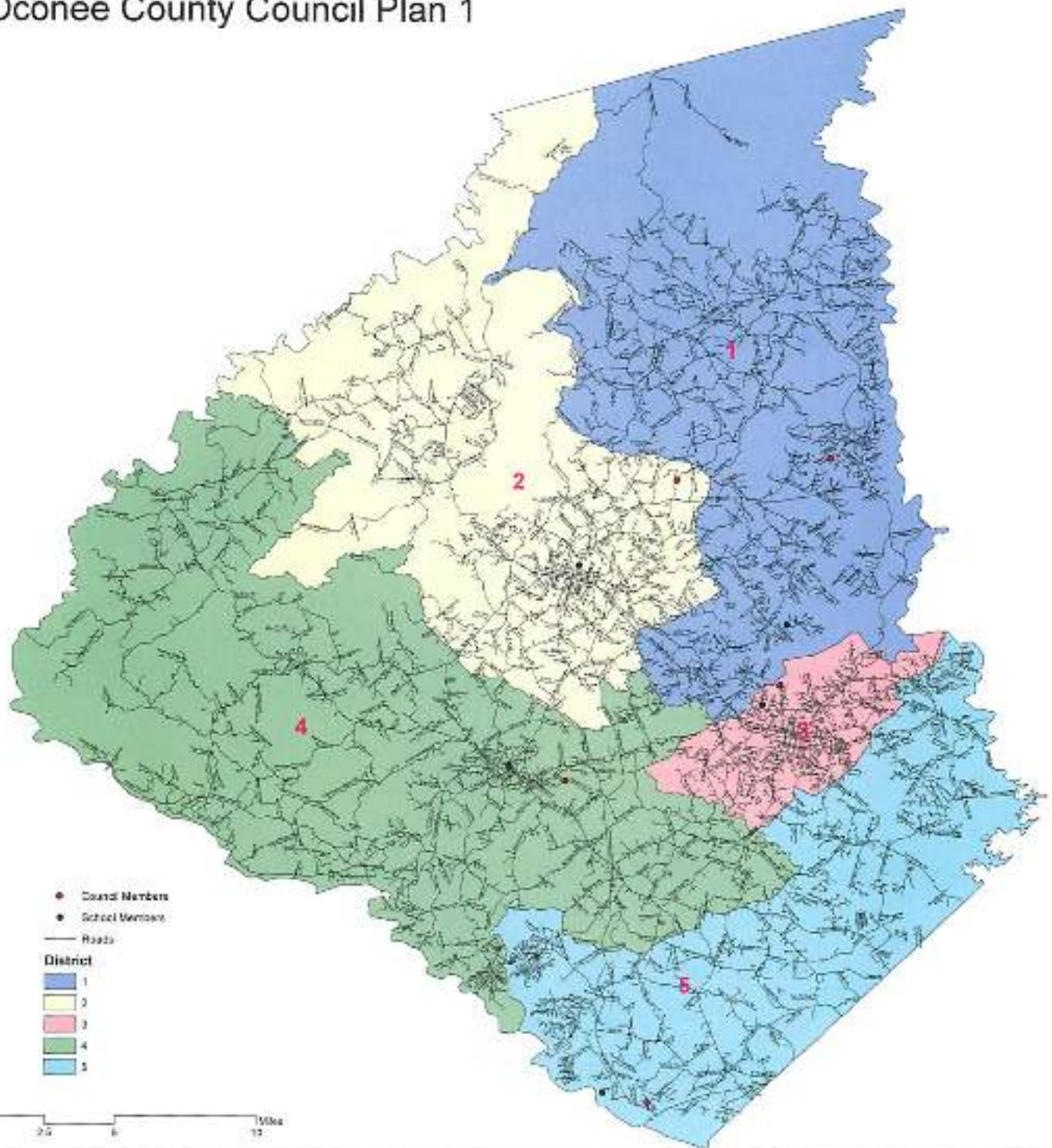
Written comments may be submitted at any time prior to the hearing for inclusion in the official record of the meeting.

Please submit written comments to the Clerk to Council, 415 South Pine Street, Walhalla, South Carolina, 29691.

Please PRINT your name

1.	Bud Lorsch
2.	JACK T. COLLINS
3.	SUSIE CORNELIUS
4.	Christy Russ
5.	George Cleveland
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Oconee County Council Plan 1



Beth Hulse

From: Cornelius [corneliusb@yahoo.com]
Sent: Wednesday, August 24, 2011 11:24 AM
To: Beth Hulse; Paul Corbeil; Archie Barron; Joel Thrift; Reg Dexter
Cc: Thomas Alexander; Scott Moulder; Will Roberts
Subject: Letter regarding proposed redistricting map

Memo to: Oconee County Council

cc: Jeff Duncan, US House of Representatives
Thomas Alexander, SC Senate
Scott Moulder, County Administrator
Will Roberts, SC Statistics and Research



From: Susie Cornelius
170 Old Mill Lane
Mountain Rest SC 29664

RE: Proposed county redistricting map

Date: August 24, 2011

This is a request that the Chattooga, Chauga and Tugaloo Rivers and the mountain area be left in a single County Council district. My River Mountain District of the county, which contains the Sumter National Forest, has been split on the proposed Oconee County Council and School Board redistricting map. Our interests, activities and lifestyle are similar throughout this area and do not compare with living in and around towns. Our problems are largely unique to where we live and we should be allowed to elect representatives from our own group of people for representation on County Council and the School Board.

<http://www.oconeesc.com/Home/tabid/40/articleType/ArticleView/articleId/13/Oconee-County-Council-Redistricting-Information.aspx>

The proposed redistricting map shown at the above link has had NO public input and County Council members appear to be set to approve the map in spite of future public comment at a yet unscheduled required public hearing.

According to Councilman Paul Corbeil, in April the map was prepared by county employees on county GIS mapping equipment at his behest for a presentation to the Planning and Development Committee chaired by him. Without County Council approval or any public input, the map was

then sent to Will Roberts at the state statistics department for confirmation of census population statistics and standardizing population deviation between the proposed districts.

We will be expected to live under this redistricting for the next ten years and the proposed redistricting was done behind closed doors. August 18th at a redistricting workshop was the first time the public was allowed to view the map prepared in April. Now there is a push to hurry and pass the proposed map before a October 31st deadline for sending to the US Justice Department.

Mr. Corbeil and the Planning and Development Committee should not be in charge of redistricting. There is nothing I can find in state code which provides that a Planning and Development Committee take over the matter of redistricting.

According to Art Holbrooks' presentation to the Planning and Development Committee where this proposed map was presented, Art showed population "trends" totaling 121,567 for the county where the census shows a population of about 74,000. The agenda for this April 21st meeting stated "Census Data Review" and said nothing about redistricting.

Will Roberts, at his appearance in Oconee County on August 18th, stated that an effort should be made to avoid splitting voting districts. After separating the Keowee Lake District, which should rightfully have its own representatives, my voting district is proposed to be split. I do not consider it of consequence to protect voting areas of political incumbents who likely will be in no position to be re-elected in any event and who were not elected by the people who live in the River Mountain area.

This is a request for a River Mountain district following the Sumter National Forest in the mountains and the Chattooga, Chauga and Tugaloo Rivers down to Lake Hartwell. I feel confident there are 14,500 in population through that area to create a single district.

Thank you for your immediate consideration to this very important matter.

Susie Cornelius

Wednesday, August 24, 2011

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South Carolina

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19 Oconee County Council Redistricting Information

Posted on August 19, 2011

The Oconee County **Budget, Finance & Administration Committee** met on Thursday, August 18, 2011, to receive a recommendation from the South Carolina Budget & Control Board, Office of Research & Statistics regarding proposed Council Redistricting.

[Click here to view the PROPOSED map](#)[Click here to view the EXISTING map](#)

If you have any questions or wish to make a comment on the proposed map, you may do so by submitting them in writing to the County Council Office at hhulse@oconeesc.com or by appearing at a regular Council meeting.

Council will hold Public Hearings to receive input at their September 6, 2011, September 20, 2011 and October 4, 2011 meetings held at 6:00 p.m. in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, SC.

[Actions: E-mail](#) | [Permalink](#)

MISSION

It is the mission of Oconee County to provide our current and future citizens and visitors quality services and to protect our neighborhoods, heritage and environment by managing growth and change through smart, inclusive planning.

VISION

Oconee County – A diverse, growing, safe, vibrant community guided by rural traditions and shaped by natural beauty; where employment, education and recreation offer a rich quality of life for all generations, both today and tomorrow.

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September, 2011

Oconee County Council, 415 S Pine Street, Walhalla SC 29691

This is my request to keep the area of the Sumter National Forest on the mountain, and the river area in a single district for representation on County Council and the School Board.

In order to be properly represented in local government matters, I need the opportunity to elect a representative from my own area, which is entirely rural with peach and apple orchards, pick-your-own organic vegetable and berry farms, and bee keepers. People in the area operate campgrounds and trout ponds, and some raise cattle and goats. Many visitors come to our area to ride horseback on the mountain trails, kayak whitewater on the Chattooga, canoe on the Chauga and Tugaloo Rivers, fly-fish for trout, hike mountain trails to the waterfalls, hunt and camp. There is fishing and boating on our many small lakes. We pick and play Blue Grass on Friday and Saturday nights, and show action videos of local adventure on an outdoor screen and you bring your own chair.

Please allow us the chance to have our interests and life-style reasonably represented. If our area is split up and tied to a block vote in town, the town vote will control who gets elected. Thank you.

Bud Lorsch
135 Bonner Rd.
Mtn. Rest, S.C. 29664

September, 2011

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Joyce E. Russell
1038 Crystal Lake Road
Mtn Rest, S.C. 29664

September, 2011

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Jane White DBA
My Mountain Best Cabins
175 Homelord Dr.
Mt. W. Rest. SC. 29664

September, 2011

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Carl Hall
Amber Breanne Dr.
MT Rest SC 29664

September, 2011

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Please allow us the chance to have our interests and life-style reasonably represented. If our area is split up and tied to a block vote in town, the town vote will control who gets elected. Thank you.

Queen T Fowler
204 S. Pine St
Walhalla SC 29691

September, 2011

Oconee County Council, 415 S Pine Street, Walhalla SC 29691

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maybell Relfrey
510 Cobbler Knob
Mountain Rest, SC.
29664

September, 2011

Oconee County Council, 415 S Pine Street, Walhalla SC 29691

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Barbara Cooper
445 Fowler
West Union, S.C.
29696

September, 2011

Oconee County Council, 415 S Pine Street, Walhalla SC 29691

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Donald Sanders
488 Hwy 107
Walhalla, SC 29664

September, 2011

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Vineyard OWNER

Dale Hesse
303 Lake Becky Rd
Mtn-Rest, SC
29664

September, 2011

Oconee County Council, 415 S Pine Street, Walhalla SC 29691

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Ruth B. Lemons
289 Fern Cove Road
Walden, SC 29664



PUBLIC HEARING SIGN IN SHEET

OCONEE COUNTY COUNCIL MEETING

DATE: September 6, 2011

7:00 p.m.

Ordinance 2011-16 "AN ORDINANCE ESTABLISHING AN OCONEE COUNTY CONSERVATION BANK FOR THE PROTECTION OF LANDS WITH SIGNIFICANT NATURAL, CULTURAL AND/OR HISTORIC RESOURCES IN OCONEE COUNTY."

Ordinance 2011-17 "AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$1,700,000 TO DEFRAY THE COST OF ACQUIRING VARIOUS EQUIPMENT AND IMPROVEMENTS; AND OTHER MATTERS RELATING THERETO."

Written comments may be submitted at any time prior to the hearing for inclusion in the official record of the meeting.

Everyone speaking before Council will be required to do so in a civil manner.

Council will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.

Please PRINT Your Name & Check Ordinance[s] You Wish to Address

	Ordinance #	2011-16	2011-17
1. DONNA LINSIN		X	
2. Donna Linsin		X	
3. Berry Nichols			✓
4. BRIT ADAMS			
5. Susie Cornelius		✓	✓
6. Bettina George		✓	
7. DONALD SANDERS			✓
8. Jerry Bonnett		✓	
9. Shea King		✓	
10. Dennis Martin		✓	
11.			
12.			
13.			
14.			
15.			
16.			
17. [scribble]		✓	
18.			

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2011-16**

**AN ORDINANCE ESTABLISHING AN OCONEE COUNTY CONSERVATION BANK
FOR THE PROTECTION OF LANDS WITH SIGNIFICANT NATURAL, CULTURAL
AND/OR HISTORIC RESOURCES IN OCONEE COUNTY**

WHEREAS, no other county in South Carolina and few places in the United States have such an extraordinary array of natural, cultural and historic resources as Oconee County; and

WHEREAS, the lands and natural, cultural and historic resources of Oconee County provide economic benefits of incalculable value because they attract tourists and business to the County; and

WHEREAS, the natural resources of Oconee County, including its high quality soils and clean waters, are the foundation of the forestry and agricultural industries in the County; and

WHEREAS, many lands with significant natural, cultural and/or historic resources of Oconee County could be threatened by future development; and

WHEREAS, according to a growth projection study conducted by Dr. Craig Campbell and the Strom Thurmond Institute at Clemson University, the amount of developed land in Oconee County will increase from 13,900 acres in 1990 to 124, 139 acres in 2030 if current trends continue; and

WHEREAS, continued growth and development are essential to keep the economy strong and to provide good jobs for the citizens of Oconee County, but the patterns of such growth and development are causing the loss of significant lands and natural, cultural, and historic resources in the County; and

WHEREAS, the citizens of Oconee County have demonstrated their overwhelming support for conservation in the 2007 campaign to protect Stumphouse Mountain and Issaqueena Falls; and

WHEREAS, Oconee County itself must provide a significant and dedicated source of funding for the protection of lands with significant natural, cultural and/or historic resources through either fee simple acquisition or conservation easements; and

WHEREAS, without financial compensation, many otherwise willing landowners would not be able to permanently protect their properties with significant natural, cultural, and/or historic resources through either fee simple acquisition or conservation easements; and

WHEREAS, the Oconee County Comprehensive Plan states that it is one of the County's priorities to establish a county bank to fund land protection; and

WHEREAS, the South Carolina General Assembly enacted the South Carolina Conservation Bank in order to protect lands with significant natural, cultural and/or historic resources in South Carolina; and

WHEREAS, additional federal, state, local and private funding programs exist in order to provide financial incentives to protect lands with significant natural, cultural and/or historic resources; and

WHEREAS, in considering which projects to approve, these land protection programs ascribe great weight to the availability and commitment of funds from other sources; and

WHEREAS, a local source of funding through the Oconee County Conservation Bank would significantly improve the chances of receiving funding from the State Bank and from other federal and state programs and private donors for projects in the County; and

WHEREAS, in order to carry out these purposes, Oconee County Council desires to establish, fund, and administer an Oconee County Conservation Bank to acquire interests in land from willing sellers that meet certain criteria and to ensure the orderly development of the County.

NOW, THEREFORE, be it ordained by Oconee County Council, in meeting duly assembled and voting, with quorum present and acting by, through, and on behalf of Oconee County, a body politic and corporate and a political subdivision of the State of South Carolina, and upon third and final reading, the following:

SECTION 1: ESTABLISHMENT OF BANK.

There is hereby established the Oconee County Conservation Bank in order to protect lands with significant natural, cultural and/or historic resources in Oconee County that meet the criteria set forth in Section VI, by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title to eligible Recipients (as defined herein).

SECTION II: DEFINITIONS.

- A. "Application" means application to participate in the program addressed by this ordinance, including its grants.
- B. "Bank" or "OCCB" for purposes of this ordinance means the Oconee County Conservation Bank.
- C. "Board" means the governing board of the Bank.
- D. "Conservation Easement" means an interest in real property as defined by Chapter 8 of Title 27 South Carolina Code of Laws, the South Carolina Conservation Easement Act of 1991.
- E. "Council" or "County Council" means Oconee County Council.

- F. “County” means Oconee County, South Carolina.
- G. “Eligible OCCB Recipient” or “Recipient” means any of the following:
 - a. Oconee County;
 - b. A municipality in Oconee County;
 - c. An independent agency or commission in Oconee County whose mission directly relates to the conservation of lands and natural, cultural and historic resources;
 - d. A not-for-profit charitable corporation or trust authorized to do business in this State and organized and operated for natural resource conservation, land conservation, or historical preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain interests in land for these purposes;
 - e. Federal, state, and local agencies organized and operated for natural resource protection, land conservation, or historical preservation purposes.
- H. “Interests in lands” means fee simple titles to lands or conservation easements on land.
- I. “Land” means real property, including highlands and wetlands of any description.

SECTION III: BOARD.

- A. The Bank will be governed by a seven-member board (“Board”) appointed by Oconee County Council in accordance with the following requirements:
 - a. Each Board member’s primary residence shall be located in Oconee County; and
 - b. At least one of the appointed Board members shall be from each of the County Council Districts; and
 - c. At least one of the appointed Board members shall be a board member or executive officer of a charitable corporation or trust authorized to do business in this State that is one of the following: (i) actively engaged in the acquisition of interests in land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or (ii) is organized for historic or cultural preservation purposes; or (iii) is an organization that represents hunting, fishing or outdoor recreation interests; and
 - d. At least one of the appointed Board members shall be an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
 - e. At least one Board member shall be actively engaged in one of the following: (i) the real estate business; or (ii) the business of appraising forestland, farmland, or conservation easements; or (iii) the business of banking, finance or accounting; or (iv) a licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.

- f. To the extent possible, all appointed board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.

B. The initial terms of the at-large Board members shall be for two years, the terms of the Board members from County Council District Numbers 1, 3 and 5 shall be for three (3) years, and the terms for the Board members from County Council District Numbers 2 and 4 shall be for four (4) years. Thereafter, all terms shall be for four (4) years. All members may be reappointed. Vacancies shall be filled for the unexpired portion of the term.

C. Members shall serve without compensation, but may receive such mileage and per diem as may be authorized and appropriated by Oconee County Council. The Board shall elect a chair and other officers as the Board deems necessary. The Board shall adopt rules and procedures to conduct its meetings, consistent with those used by County Council.

D. The Board is a public body and its members are hereby expressly subject to, among other applicable laws and regulations, the South Carolina Ethics Act, and the South Carolina Freedom of Information Act, as amended, and shall perform their duties in accordance with their provisions.

E. The Board shall meet at least three (3) times per year in regularly scheduled meetings and in special meetings as the chair may call, all open to the public (except for executive sessions when duly held in accordance with law). All meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.

SECTION IV: BOARD DUTIES AND RESPONSIBILITIES.

- A. The Board is authorized to:
 - a. Award grants from the OCCB Fund (defined herein) to “Eligible OCCB Recipients” for the purchase of land or interests in land that meet the criteria contained in Section VI; and
 - b. Apply for and receive funding for the OCCB Fund, for the Bank, from federal, state, private and other sources, to be used as provided in this ordinance; and
 - c. Receive charitable contributions and donations to the OCCB Fund, for the Bank, to be used as provided in this ordinance; and
 - d. Receive contributions to the OCCB Fund, for the Bank, in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions shall be used as provided for in this ordinance.
- B. To carry out its functions, the Bank shall:
 - a. Operate a program which includes:
 - i. Developing a ranking system for Applications for program participation, including grants, pursuant to the criteria contained in Section VI;
 - ii. Receiving grant and participation Applications from Eligible OCCB Recipients pursuant to Section VII;

- iii. Evaluating Applications from Eligible OCCB Recipients for eligibility for grants and to participate in the program pursuant to Section VII;
- iv. Reviewing and ranking Applications from Eligible OCCB Recipients for grants and to participate in the program pursuant to the ranking system;
- v. Recommending the approval of certain Applications to County Council pursuant to Section VII;
- b. Establish additional guidelines and procedures, consistent with this ordinance, as necessary to implement this ordinance; and
- c. Submit an annual report to Oconee County Council concerning all matters addressed by this ordinance.

C. The County Administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing resources of the County. When and if deemed appropriate by the Board, the Board may seek County Council's approval to hire permanent staff, who will be County staff, reporting to the Administrator.

D. Operating expenses of the Bank may be paid out of the OCCB Fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by County Council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this Ordinance, Oconee County tax dollars shall not be used for the operation or purposes of the Bank.

SECTION V: OCCB FUND.

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by County Council, called the Oconee County Conservation Bank Fund (the "OCCB Fund"). The OCCB Fund shall receive revenues as noted herein, and from the County according to one or more funding measures approved by Oconee County Council.

SECTION VI: CRITERIA.

The Board shall use the following conservation criteria in developing a ranking system for Applications pursuant to Section IV.(B)(a)

- A. Environmental Sensitivity
 - a. Presence of wetlands
 - b. Frontage on USGS Blue Line Stream
 - c. Water quality classification of such stream by the South Carolina Department of Health and Environmental Control
 - d. Presence of Threatened/Endangered Species
 - e. Habitat Suitable for Threatened/Endangered Species
 - f. Habitat Suitable for Native Wildlife Species
 - g. Extent of Biological Diversity
 - h. Presence of Unique Geological/Natural Features
- B. Percentage of Property Sharing a Boundary with Protected Land
- C. Historic/Cultural Features

- a. Contains feature designated on the National Historic Register
- b. Contains feature eligible for the National Historic Register
- c. Contains Historic/Prehistoric Structures
- d. Contains Historic/Prehistoric Site or Location of a Historic Event
- D. Percentage of Property Containing Prime/Statewide Important Soil Types
- E. Extent of Active Farming on Property
- F. Extent of Public Visibility of Property
 - a. Visibility from public roads
 - b. Visibility from public land
- G. Scenic View from Property
- H. Extent of Public Access
- I. Location of Property
- J. Threat of Development
- K. Size of Property

The Board shall use the following financial criteria in developing the ranking system for Applications for participation in the program and grants pursuant to Section IV.(B)(a)

- A. Funding percentage of appraised fee simple or conservation easement value requested;
- B. Amount of applicable partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, federal agencies, Eligible OCCB Recipients, and local governments, boards, and commissions;
- C. No matching funds or other contributions are required to receive grants from the OCCB Fund. However, the commitment of such other funds shall be a factor considered by the Board in its evaluation and recommendation of the applications.

SECTION VII: PROGRAM AND PROCEDURES.

- A. Application
 - a. An Eligible OCCB Recipient independently or in conjunction with the landowner may apply for a grant from the OCCB by submitting an Application in accordance with the rules and procedures established by the Board under and consistent with this ordinance;
 - b. Within 5 business days of the submittal of an Application to the OCCB, the Eligible OCCB Recipient must notify in writing all landowners adjacent to the subject property of the Application. Contiguous landowners and other interested parties may submit in writing to the Board their views in support of or in opposition to the Application.
 - c. Prior to the submission of its Application, the Eligible OCCB Recipient must notify in writing the owner of the land that is the subject of the Application of the following:
 - i. That interests in land purchased with OCCB funds result in a permanent conveyance of such interests in land from the landowner to the Eligible OCCB Recipient and its assigns; and

- ii. That it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and

The Application must contain an affirmation that the notice requirement of this subsection has been met, and the commitment of the landowner to convey title to or an easement on the property if grant funds are approved for the property, all signed by the landowner and duly notarized by a notary public of the State of South Carolina.

- d. In each Application, the Eligible OCCB Recipient must provide information regarding how the proposal meets the criteria contained in Section VI.
- e. For each grant Application the applicant shall specify:
 - i. The purpose of the Application;
 - ii. How the Application satisfies the criteria contained in Section VI;
 - iii. The uses to which the land will be put;
 - iv. The party responsible for managing and maintaining the land; and
 - v. The parties responsible for enforcing any conservation easement or other restrictions upon the land.
- f. Where an Eligible OCCB Recipient seeks an OCCB grant to acquire fee title to land, the Eligible OCCB Recipient must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its application. The Board, on a case by case basis, may require an Eligible OCCB Recipient acquiring fee title to land to place a conservation easement on such property to ensure its permanent protection.
- g. Where an Eligible OCCB Recipient seeks an OCCB grant to acquire a conservation easement, the Eligible OCCB Recipient must demonstrate both the expertise and financial resources to monitor and enforce the restrictions placed upon the land for the purposes set forth in its application. The Board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes set forth in the application.

B. Application Review

- a. The Board shall accept three rounds of Applications per calendar year in accordance with the following deadlines: April 1st, August 1st, and November 1st.
- b. The Board shall evaluate each Application according to the criteria contained in Section VI of this ordinance and recommend approval of Application and associated grants to County Council based on how well the proposals meet these criteria. The more criteria a proposal satisfies, the higher priority it shall be given.
- c. The Board shall evaluate each Application and submit recommendations to County Council within sixty (60) days of each Application deadline referred to in Section VII.(B)(a). The recommendation of an Application may be for full approval, partial approval or disapproval.
- d. In recommending the awarding of a grant from the OCCB Fund the Board shall set forth findings that indicate:

- i. How the Application meets the criteria set forth in Section VI;
 - ii. The purpose of the award and the use to which the land will be put;
 - iii. The party responsible for managing and maintaining the land;
 - iv. The party responsible for monitoring and enforcing any conservation easements or other restrictions upon the land;
 - v. How the parties designated in items (iii) and (iv) possess the expertise and financial resources to fulfill their obligations;
 - vi. The availability of funds in the OCCB Fund for the award;
 - vii. Any other findings or information relevant to the award.
- e. County Council shall take action on the Board's recommendations within thirty (30) days of the Board's submission thereof. The Council shall consider and vote on each recommendation individually. The Council shall accept the recommendation of the Board for the award of a grant unless (i) it is determined that there are not sufficient funds in the OCCB Fund for the award or (ii) at least a majority of the Council members present and voting vote to reject the recommendation. If the Board's recommendation for the award of a grant is approved by Council, the award shall be made and the transaction closed in accordance with Section VII.(C) of this ordinance.
- f. The Board may only authorize grants to purchase interests in lands at or below fair market value pursuant to a current (within three (3) months of grant approval by County Council), independent certified appraisal. The Board shall establish reasonable procedures and requirements to ensure the confidentiality of appraisals.

C. Grant Award

- a. The Board shall notify the Eligible OCCB Recipient of its recommendation and the action taken by County Council on the Application
- b. If the Board recommends the Application in whole or in part and the recommendation is approved by County Council in accordance with Section VII.(B)(e) of this ordinance, the Eligible OCCB Recipient and the owner of the interest in the land identified in the application shall have a period of four (4) months from the date of the County Council's approval to decide whether to accept the award and close the transaction.
- c. The Eligible OCCB Recipient shall submit the following required documents to the Board prior to closing the transaction:
 - i. A certified appraisal satisfying the requirements of Section VII.(B)(f);
 - ii. Oconee County and the Bank must be indemnified as to title in the amount of the grant, and this indemnification shall be secured by a title insurance policy acceptable to the Board and obtained by the grant recipient. The indemnification requirement as to title may be waived by the Board in extraordinary cases where insurable title is unobtainable, the risk of adverse claims are small, the land in question presents a particularly valuable conservation opportunity

- according to the criteria of Section VI, and the cost of the interest in land acquired reflects the lack of insurable title.
- iii. In order to identify potential liability pursuant to applicable state or federal environmental laws or regulations, a certified environmental hazard assessment shall be conducted on lands before the disbursement of OCCB funds for the acquisition of all interest in such lands except as provided below in Section VII.(C)(c)(iv).
 - iv. An Application for such interest in land shall qualify as a small grant application if the amount requested is less than thirty thousand dollars (\$30,000) or 10% of the appraised fair market value of either the conservation easement or fee simple acquisition, whichever value is smaller. The environmental assessment required in Section VII.(C)(iii) shall be waived for applications for interest in land qualified as a small grant, as defined herein, unless specifically required on a case by case basis by the Board.
 - d. The Bank and Eligible OCCB Recipients receiving monies from the OCCB Fund shall retain all records of acquisition of interests in land with OCCB Funds including, but not limited to deeds, title documents, contracts, surveys, inventories, appraisals, title insurance policies, environmental assessments, and closing documents.
 - e. The Board shall disburse OCCB Funds to Eligible OCCB Recipients and the closing shall occur after all applicable requirements of this section are fully satisfied, provided the closing shall take place no later than one (1) year after the Eligible OCCB Recipient and owner of the interest in land decide to accept the award unless the Board, for good cause shown, extends the deadline for a period not to exceed six (6) months.

SECTION VIII: USE OF FUNDS.

- A. Only Eligible OCCB Recipients may acquire interests in lands with OCCB funds.
- B. The Bank may purchase an interest in land on behalf of Oconee County subject to the criteria contained in Section VI.
- C. OCCB funds shall be used only by Eligible OCB Recipients for the acquisition of interests in land, including closing costs. "Closing costs" shall include recording fees, deed transfer or documentary stamp fees, the costs of performing the work and providing the documentation required under Section VII.(C)(c), attorneys' fees, and the cost of obtaining or updating surveys, but in no event shall more than \$____ in closing costs be paid per award. OCCB funds shall not be used to pay general operating expenses or endowment requests of Eligible OCCB Recipients, nor shall OCCB funds be used for the management or maintenance of acquired interests in land. OCCB funds shall be disbursed only at the closing of transactions in which an interest in land is acquired.
- D. All interests in land acquired with OCCB funds shall be held by the Eligible OCCB Recipient approved by the Board to acquire the interest in land; except that an interest in land obtained with OCCB funds may be assigned from one Eligible OCCB Recipient to another upon approval of the Board by majority vote.

E. The owner of the fee simple title to property upon which a conservation easement was purchased with OCCB funds, whether the original owner that conveyed the conservation easement or a successor-in-interest, may reacquire and thereby terminate or extinguish that conservation easement, whether in whole or in part, only by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, (ii) obtaining unanimous approval by the OCCB Board, (iii) obtaining unanimous approval by County Council, (iv) obtaining approval by the Oconee County Court of Common Pleas, and (v) making payment in cash of the current fair market value of the conservation easement, as determined by a certified appraisal.

F. If an Eligible OCCB Recipient acquires fee simple title to land for conservation and/or historic purposes with OCCB funds, that land may not be sold, transferred, assigned, alienated, or converted to a use other than the use set forth in the grant award except by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, (ii) obtaining unanimous approval by the OCCB Board, (iii) obtaining unanimous approval by County Council, (iv) obtaining approval by the Oconee County Court of Common Pleas, and (v) making payment in cash of the current fair market value of the protected land, as determined by a certified appraisal.

G. If any interests in lands that have been acquired by an Eligible OCCB Recipient with OCCB Funds are extinguished, terminated, sold, transferred, assigned, alienated, or converted pursuant to Section VIII.(E) and (F), the Eligible OCCB Recipient extinguishing, selling, transferring, assigning, alienating, or converting the interests in land shall replace them with the interests in land of substantially equal current fair market value, with any excess from the sale of the prior interests being used by contribution to the OCCB Fund. The replacement land shall have the same or greater significance when evaluated under the criteria set forth in Section VI. The Board shall verify that suitable replacement interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with OCCB funds be extinguished, sold, transferred, assigned, alienated, or conveyed. Where replacement in whole or in part is impossible, funds realized which are not used for replacement interests in land must be credited to the OCCB Fund. Where funding for an original acquisition was from multiple sources, funds realized must be credited to the OCCB Fund under this section in proportion equal to the contribution that OCCB Funds made to the original acquisition.

SECTION IX: EMINENT DOMAIN OR CONDEMNATION PROCEEDINGS.

OCCB Funds may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

SECTION X: RECREATIONAL AND ECONOMIC USE.

The provisions of this ordinance shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this State, upon lands for which interests in lands are obtained pursuant to this ordinance. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected with OCCB Funds.

SECTION XI: CONSERVATION EASEMENTS.

When OCCB funds are used to purchase a conservation easement on land, the conservation easement shall be the controlling legal document regarding what is and what is not permitted upon the land, how the land will be protected, and what rights are vested with the Eligible OCCB Recipient and its assigns which holds the conservation easement. If any inconsistencies or ambiguities arise between the provisions of this ordinance and the terms and conditions of the conservation easement purchased with OCCB Funds, the terms and conditions of the conservation easement shall prevail. The Eligible OCCB Recipient shall have sole responsibility for monitoring the property subject to the conservation easement and for enforcing the terms and conditions thereof.

SECTION XI: HISTORIC PROPERTIES.

The Board may authorize up to ten percent of the annual OCCB appropriation to acquire interests in land that qualify solely as a historic or cultural feature according to the criteria contained in Section VI.

SECTION XII: EFFECTIVE DATE; SEVERABILITY.

This ordinance shall take effect immediately upon third reading. If any provision of this ordinance or its application to any circumstances is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect the other provisions of this ordinance or the application thereof which shall be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are severable.

Ordained, in meeting duly assembled, this ____ day of _____, 2011.

ATTEST:

Elizabeth Hulse,
Clerk to Oconee County Council

Joel Thrift
Chairman, Oconee County Council

First Reading: July 19, 2011
Second Reading:
Public Hearing:
Third & Final Reading:

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2011-17**

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$1,700,000 TO DEFRAY THE COST OF ACQUIRING VARIOUS EQUIPMENT AND IMPROVEMENTS; AND OTHER MATTERS RELATING THERETO.

Dated: September 6, 2011

BE IT RESOLVED BY THE COUNTY COUNCIL OF OCONEE COUNTY, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Findings and Determinations. The County Council (the "Council") of Oconee County, South Carolina (the "County"), hereby finds and determines:

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended (the "Code"), the County operates under the Council-Administrator form of government and the Council constitutes the governing body of the County.

(b) Section 4-9-30 of the Code empowers all counties to acquire real property by purchase or gift; to lease, sell or otherwise dispose of real and personal property; to acquire tangible personal property and supplies; and to make and execute contracts.

(c) The County desires to enter into a lease-purchase or other agreement (the "Lease Agreement") with a bank or other financial institution selected by the Chairman or Vice-Chairman of County Council or the County Administrator for the purpose of financing the acquisition of some or all of the various items of equipment (the "Equipment") and improvements (the "Improvements" and, together with the Equipment, the "Projects") described in Exhibit A attached hereto.

(d) To the extent that the proceeds of the Lease Agreement are used to acquire and install the Equipment, such portion of the Agreement will not constitute a "financing agreement" and the Equipment will not constitute an "asset" as such terms are defined in Section 11-27-110 of the Code. To the extent that the proceeds of the Lease Agreement are used to defray the costs of the Improvements, such portion of the Agreement will constitute a "financing agreement" and the Improvements will constitute an "asset" as such terms are defined in Section 11-27-110 of the Code. Unless otherwise determined by the Chairman or Vice-Chairman of County Council or the County Administrator, the County anticipates applying approximately \$350,000 of the proceeds of the Lease Agreement to defray the costs of the Improvements. Thus, \$350,000 of the Lease Agreement (unless such amount is otherwise determined by the Chairman or Vice-Chairman of County Council or the County Administrator pursuant to Section 2 hereof) will initially be included when calculating the County's eight percent debt limit under Article X, Section 14 of the South Carolina Constitution (the "Debt Limit"). Principal payments under the terms of the Lease Agreement will be first applied to the principal balance of the Lease Agreement included in the County's Debt Limit until the cumulative amount of such principal payments equals the amount of proceeds of the Lease Agreement which were spent on the Improvements, and then to the remaining principal balance of the Agreement.

(e) The total assessed value as of June 30, 2011, of all taxable property in Oconee County, is \$515,752,985, of which \$1,150,337 is included as the 1987 assessed value for merchants' inventory. Eight percent (8%) of such sum is \$41,260,238. The outstanding indebtedness of the County which is included in the calculation of the County's Debt Limit is represented by the following bond issues:

(i) \$5,300,000 original principal amount General Obligation Bonds, Series 2010, dated September 2, 2010, and currently outstanding in the principal amount of \$4,480,000.

(ii) \$17,000,000 original principal amount General Obligation Bonds, Series 2011, dated June 16, 2011, and currently outstanding in the principal amount of \$17,000,000.

Thus, the County may incur \$19,780,238 of general obligation debt or principal balances under financing agreements (as defined in Section 11-27-110(a)(6) of the Code) within its Debt Limit.

(f) The Lease Agreement will be subject to annual appropriation by the County Council.

(g) It is in the best interest of the County to acquire the Projects by entering in to the Lease Agreement. The Lease Agreement will enable the County to purchase the Projects which will provide service necessary or useful to the operations of the County government.

Section 2. Approval of Lease/Purchase Financing; Authority to Determine Certain Matters Relating to the Lease/Purchase Financing. The Projects shall be acquired pursuant to a lease purchase financing which is hereby approved in a principal amount of not exceeding \$1,700,000. A Request for Proposals in substantially the form set forth as Exhibit B hereto shall be distributed to various banks and other financial institutions in the County and other areas as the Assistant County Administrator for Administrative Services and Finance determines. The County Council hereby authorizes to the Chairman or Vice-Chairman of County Council or the County Administrator the authority to: (a) determine the payment schedule under the Lease Agreement; (b) determine the date and time for receipt of bids under the Request for Proposals; (c) award the sale of the lease-purchase financing to the lowest responsible bidder (the "Bidder") therefor in accordance with the terms of the Request for Proposals; and (d) adjust the description and estimated costs of the Projects set forth in Exhibit A attached hereto.

Section 3. Approval of Lease Agreement. Without further authorization, the Chairman or Vice-Chairman of County Council or the County Administrator are authorized to approve the form, terms and provisions of the Lease Agreement proposed by the Bidder. The County Administrator is hereby authorized, empowered and directed to execute, acknowledge and deliver the Lease Agreement in the name and on behalf of the County. The Lease Agreement is to be in the form as shall be approved by the Chairman or Vice-Chairman of County Council or the County Administrator, the County Administrator's execution thereof to constitute conclusive evidence of such approval.

Section 4. Execution of Documents. The Chairman of County Council, Vice-Chairman of County Council, County Administrator, Assistant County Administrator for Administrative Services and Finance, and Clerk to County Council are fully empowered and authorized to take such further action and to execute and deliver such additional documents as may be reasonably requested by the Bidder to effect the delivery of the Lease Agreement in accordance with the terms and conditions therein set forth, and the transactions contemplated hereby and thereby, and the action of such officers in executing and delivering any of such documents, in such form as the County Administrator shall approve, is hereby fully authorized.

Section 5. Federal Tax Covenant. The County, as lessee, agrees and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest components of the lease payments under the Lease Agreement to become includable in the gross income for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "IRC") and regulations promulgated thereunder in effect on the date of original issuance of the Lease Agreement and that it will comply with all applicable provisions of Section 103 and Sections 141 through 150 of the IRC, and any regulations promulgated thereunder, to maintain the exclusion from gross income for federal income tax purposes of the interest portion of the lease payments under the Lease Agreement; and to that end the County shall:

- (a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Lease Agreement is outstanding;
- (b) establish such funds, make such calculations and pay such amounts in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the times and places required by the IRC.

The County will timely file Form 8038-G in accordance with the applicable regulations of the Internal Revenue Service.

Section 6. Filings with Central Repository. In compliance with Section 11-1-85 of the Code, the County covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which, in the opinion of the County, adversely affects more than five percent (5%) of the County's revenue or its tax base.

Section 7. Severability. All orders, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the execution of the Lease Agreement are, to the extent of such conflict, hereby repealed.

Section 8. Effective Date. This Ordinance shall be effective upon its enactment by the County Council for Oconee County, South Carolina.

[Execution Page Follows]

Enacted this 6th day of September, 2011.

OCONEE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman, County Council
Oconee County, South Carolina

ATTEST:

Administrator, Oconee County, South Carolina

Clerk to County Council,
Oconee County, South Carolina

Date of First Reading:	July 19, 2011
Date of Second Reading:	August 16, 2011
Date of Third Reading:	September 6, 2011
Date of Public Hearing:	September 6, 2011

Exhibit A

Projects

Description	Estimated Cost
Communications Tower	\$350,000
Radio Equipment Upgrade (Narrow Banding)	204,912
Emergency Response Units	120,000
Tri-Axle with Spreader Body	141,300
Skid Steer with Rubber Track	64,925
Mowing Tractors with side Mower	162,544
Vehicles	96,243
Information Technology Equipment (Hardware and Software)	245,000
Dump Truck	50,300
Oil Water Separator	34,560
3/4 Ton Truck	36,350
Roll-Off Truck	145,300

Exhibit B

Form of Request for Proposals

REQUEST FOR PROPOSALS

**Oconee County, South Carolina
Not Exceeding \$1,700,000 Lease-Purchase Financing, 2011**

Response Due: _____, _____, 2011
12:00 Noon, South Carolina Time

NOT Bank Qualified

Oconee County, South Carolina (the "County"), is requesting proposals from various banks and financial institutions for not exceeding \$1,700,000 tax-exempt lease-purchase financing to defray the costs of certain improvements and equipment as described herein.

PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL, BY FACSIMILE TRANSMISSION OR BY E-MAIL, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE COUNTY AT THE PLACE, DATE AND TIME APPOINTED, AND THE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.

Mailed or Hand Delivered Bids: Each mailed or hand delivered proposal shall be enclosed in an envelope marked "Proposal for 2011 Lease Purchase Agreement" and should be mailed or delivered to:

Oconee County, South Carolina
Attn: Scott Moulder, County Administrator
415 South Pine Street
Walhalla, SC 29691

Facsimile Bids: The County will accept the facsimile transmission of a proposal at the risk of the bidder. The County shall not be responsible for the confidentiality of bids submitted by facsimile transmission. Any delay in receipt of a facsimile bid, and any incompleteness or illegible portions of such bid are the responsibility of the bidder. Bids by facsimile transmission should be transmitted to the attention of Scott Moulder, ICMA-CM, County Administrator, Fax No. 864.638.4246.

E-Mail Bids: Electronic proposals may be e-mailed to the attention of Scott Moulder, E-mail address: smoulder@oconeesc.com.

Please note that this solicitation is also being sent to a number of other institutions as well and that the County reserves the right to select the proposal determined to be the most advantageous to the County. The selection process will be heavily weighted toward lowest financing costs. The County reserves the right to reject any or all bid proposals as well as negotiate with the lowest responsible bidder.

I. Terms and Conditions:

- (a) Amount to be Financed: Not exceeding \$1,700,000.
- (b) Payments: Five (5) approximately equal annual principal and interest payments under the Lease Agreement will be due and payable October 1, 2012 to and including October 1, 2016. Unless otherwise designated by a bidder, interest on the lease will be calculated based on a 360-day year comprised of twelve 30-day months.
- (c) Guarantee of Interest Rate: The interest rate, costs and other terms of the bid submitted must be guaranteed from the date of your proposal to the closing date (expected to be approximately _____, 2011).
- (d) Projects: See attached Exhibit A.
- (e) Form of Lease-Purchase Agreement: A bidder's proposed form of lease agreement ("Lease Agreement") should be provided within three (3) business days of the award of the successful proposal.
- (f) Non-appropriation: A non-appropriation provision acceptable to the County must be included in the Lease Agreement.
- (g) Non-substitution: A non-substitution provision is not permitted to be included in the Lease Agreement.
- (h) Deficiency Judgment: No deficiency judgment can be assessed or imposed against the County nor will the full faith, credit and taxing power of the County be pledged to the payment of the Lease Agreement.
- (i) Title: Title to the property identified as "Communications Tower" in the attached Exhibit A will be in the name of the County. The lessor will not have a security interest in the Communications Tower. Title to the remaining equipment identified in the attached Exhibit A will be in the name of the County subject to the lessor's rights under the Lease Agreement.

- (j) Acquisition/Escrow Account: The County will require the successful bidder to transfer by Federal funds the full amount of this financing on the date of the closing. If a bidder requires that the Acquisition/Escrow Account be held by it or its designee, the bidder must so indicate in its proposal. Otherwise the County retains the right to designate a bank to act as custodian of the Acquisition/Escrow Account. The Acquisition/Escrow Account must be an interest bearing account. Interest earnings in the Acquisition/Escrow Account must accrue to the County. This Account will be structured to allow payments therefrom to be made (1) to the County to reimburse it for amounts previously expended on the projects; and (2) to the vendors of the projects for payment of the projects as directed by the County.
- (k) Costs of Issuance: All such costs relating to the preparation of the Lease Agreement and fees of special counsel will be paid by the County. Any fees and costs of the bidder to be paid by the County must be stated in the response to the Request for Proposals. The Lease Agreement must allow the County to pay its legal fees and costs related to execution and delivery of the Lease Agreement out of the proceeds of the Lease Agreement.
- (l) Insurance: The County is insured through the South Carolina Insurance Reserve Fund. The project property will be insured in a similar manner at face value. The lessor may be listed as a loss-payee, but may not be listed as an additional insured under the County's insurance coverage.
- (m) Not Bank Qualified: The County will NOT designate the Lease Agreement as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.
- (n) Closing: The County expects to accept the successful proposal on _____, 2011, and to close the transaction on or about _____, 2011.

II. Proposal Requirements.

- (a) The proposal must be in writing.
- (b) No response may be modified by a bidder after it has been submitted.
- (c) Proposals should include: the name, address, and telephone number of your institution; the primary contact; and identity of legal counsel, if any.

- (d) Proposals must be accompanied with a list of all requirements and conditions associated with the bid.
- (e) Proposals must indicate a single interest rate for the lease term and include an amortization schedule showing annual payment amounts for the term of the financing.
- (f) Proposals must provide full disclosure of all financing costs, including any closing, legal, and tax opinion charges.
- (g) Any prepayment penalty or other fee requirements should be detailed in the proposal.

III. Evaluation of Proposals and Award.

After the proposals are received, they will be evaluated by the officials of the County based on various factors, including the interest rate, redemption terms, additional covenants and terms, if any, and other conditions set forth therein. The County reserves the right to reject any and all bids or to waive irregularities in any proposal. The County expects to accept the successful proposal by __:00 p.m. on _____, 2011.

IV. Legal Opinion. The execution and delivery of the Lease Agreement is subject to the approving opinion of the McNair Law Firm, P.A., Special Counsel.

V. Tax Exemption and Other Tax Matters. The Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, imposes various restrictions, conditions and requirements relating to the excludability from gross income for federal income tax purposes of interest paid on obligations such as the Lease Agreement. The County will covenant to comply with certain covenants, restrictions, conditions and requirements designed to ensure that interest paid under the Lease Agreement will not become includable in gross income of the recipients thereof for federal income tax purposes. Failure to comply with these covenants could cause interest paid under the Lease Agreement to be included in gross income for federal income tax purposes retroactive to the date of issuance of the Lease Agreement.

The Code imposes an alternative minimum tax on a taxpayer's "alternative minimum taxable income" if the amount of such alternative minimum tax is greater than the amount of such taxpayer's regular income tax. The interest component of the Lease Agreement is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, such interest is taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on certain corporations.

The accrual or receipt of interest on the Lease Agreement may affect the federal income tax liability of the lessor. The extent of these other tax consequences will depend upon the recipient's particular tax status or other items of income or deduction. Purchasers of the Lease Agreement are advised to consult their tax advisors as to the tax consequences of purchasing or holding the Lease Agreement.

VI. Investment Letter. The lessor will be requested to execute a letter to the County in substantially the form submitted with this Request for Proposals.

VII. Additional Information.

If you should have any questions regarding the Request for Proposals, you should contact:

Scott Moulder, ICMA-CM
Oconee County Administrator
864.638.4244
e-mail: smoulder@oconeesc.com

Kendra Brown, CPA, CGFO
Assistant County Administrator for
Administrative Services and Finance
864.638.4235
email: kbrown@oconeesc.com

Daniel R. McLeod, Jr.
McNair Law Firm, P.A.
864.271.4940
email: dmcleod@mcnair.net

Michael W. Burns
McNair Law Firm, P.A.
864.271.4940
email: mburns@mcnair.net

s/
Chairman of County Council,
Oconee County, South Carolina

Dated: _____, 2011.

Exhibit A

Projects

Description	Estimated Cost
Communications Tower	\$350,000
Radio Equipment Upgrade (Narrow Banding)	204,912
Emergency Response Units	120,000
Tri-Axle with Spreader Body	141,300
Skid Steer with Rubber Track	64,925
Mowing Tractors with side Mower	162,544
Vehicles	96,243
Information Technology Equipment (Hardware and Software)	245,000
Dump Truck	50,300
Oil Water Separator	34,560
3/4 Ton Truck	36,350
Roll-Off Truck	145,300

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
PROCLAMATION P2011-08

**A PROCLAMATION COMMEMORATING THE
TENTH ANNIVERSARY
OF THE SEPTEMBER 11, 2001 TRAGEDY**

WHEREAS, ten years have elapsed since the tragedy on September 11, 2001 when the United States was attacked at the World Trade Center, New York City, NY, in Shanksville, Pennsylvania, and at the Pentagon in Washington, DC, and;

Whereas, thousands of innocent Americans were killed and injured as result of those attacks, including hundreds of police officers, professional fire fighters, and the emergency medical personnel who bravely and routinely risk their lives in the line of duty, and

Whereas, fellow Americans share admiration and pride for the professionalism, courage, and selfless sacrifice of Emergency Responders who rushed to these scenes to assist and rescue citizens without consideration for their own personal safety, and;

Whereas, these acts were by far the deadliest terrorist attacks ever launched against the United States, and by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve, and

Whereas, these horrific events have affected all Americans, including citizens of Oconee County;

Whereas, Oconee County citizens are encouraged on September 11, 2011 to gather to remember this tragedy and mourn the loss of life, commemorating and giving thanks for the gallantry and sacrificial service of all Emergency Responders, and

Whereas, the Salem Lions Club and the Keowee Fire Department are spearheading a project to create a permanent Oconee County 9/11 Memorial Commemorative Structure with the support of other Oconee County Lions Clubs and Oconee County Emergency Responder brothers and sisters,

NOW, THEREFORE, be it resolved that the Oconee County Council proclaims September 11, 2011 in Oconee County as a day of solemn commemoration of the events of September 11, 2001 and the selfless service of all of Emergency Responders in New York, Pennsylvania and Washington, DC.

PROCLAIMED in meeting, duly assembled, this 6th day of September, 2011.

FOR OCONEE COUNTY:

Joel Thrift
Chairman, Oconee County Council

ATTEST:

Elizabeth G. Hulse
Oconee County Clerk to Council

To: SCOTT MOULDER
BETH HOUSE

August 22 2011

From: Wayne E. McCall
District II Councilman

I have two items that I would like placed on the agenda for the County Council meeting on Sept 6, 2011.

#1 / Discussion regarding making an ordinance that will cancel ordinances

2010-15 (N. Carr Creek) and ordinance 2010-16 (N. Fairview)

This will allow the two communities to start the rezoning process on any equal footing. I plan to make a motion to cancel 2010-15 and 2010-16.

#2 / Discussion of a resolution by county Council to approve the release of E-mails that are presently being withheld from the public because of confidential-attorney-privilege. Since I was not included in

these communications, as Mr. Martin pointed out, the only way I can learn what transpired is to get Council majority approval for the E. Memos to be released.

I plan on making a motion to this effect at the Sept 6 Council Meeting.

Beth, will you please forward my request on these two items to be put on Council agenda to my four fellow Council members.

Also please confirm that they have been added to the Sept 6 Meeting agenda.

Thank you

**STATE OF SOUTH CAROLINA
OCONEE COUNTY
RESOLUTION R2011-11**

**RESOLUTION ADOPTING REDISTRICTING CRITERIA TO BE
USED IN DEVELOPING THE 2010 REDISTRICTING PLAN**

WHEREAS, Oconee County Council (“County Council”) is responsible for County Council district redistricting (the “Redistricting Plan”) in conjunction with the 2010 U.S. Census; and

WHEREAS, County Council has determined that certain criteria should be established and followed by County Council in the development of the Redistricting Plan for County Council Districts and desires to publicly adopt, express, and endorse those criteria:

NOW, THEREFORE IT IS HEREBY RESOLVED BY OCONEE COUNTY COUNCIL, IN MEETING DULY ASSEMBLED, THAT OCONEE COUNTY COUNCIL adopts the following criteria with which and based on which they will develop the Redistricting Plan based on the 2010 U.S. Census figures:

- Adhere to the court-ordered Constitutional requirement of one (1) person, one (1) vote and adhere to a state law of population variance per district under ten percent (10%);
- Adhere to the 1965 Voting Rights Act, as amended, and controlling court decisions;
- Ensure that parts of each proposed County Council District are contiguous;
- Respect “Communities of Interest;”
- Attempt to maintain constituent consistency;
- Attempt to avoid splitting voting precincts; and,
- Solicit and consider public input.

APPROVED AND ADOPTED this 6th day of September, 2011.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
Joel Thrift, Chairman of County Council
Oconee County, South Carolina

ATTEST:

By: _____
Elizabeth G. Hulse,
Clerk to County Council



Keowee Fire Department



Salem Lions Club

Tenth Anniversary Commemoration of the Tragedy of 9/11

Sunday Sept. 11, 2011 3:00 p.m.

Keowee Fire Department

Program

Welcome – Rich Simington, Salem Lions Club

Prayer – Rev. Dr. Nancy Morris, Pastor, Seneca Presbyterian Church

Singing of the “Star Spangled Banner”, Music courtesy of Dixie Keys

Pledge of Allegiance – Fred Delcamp, President, Salem Lions Club

Oconee County Council Proclamation, the Honorable Paul Corbeil, County Council

Remarks – Rich Simington, Founding Member 9/11 Planning Committee

Remarks – Brandon Shirley, Assistant Chief, Keowee Fire Department

Playing of Taps/Moment of Silence, Dixie Keys Trumpeter, Bill Sharp

Conclusion – Singing of “God Bless America”, Music courtesy of Dixie Keys

We Remember

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

Second Reading of Ordinance 2011-14: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-14 was presented to County Council on June 21, 2011, and given first reading in caption only at that time. The request was then referred to the Planning Commission for recommendation and input. The Planning Commission considered the proposed rezoning and staff's recommendation at their meeting held July 18., 2011. After taking into consideration the staff's recommendation and public input, the Commission decided to take the matter up at their next meeting. The Commission took up the matter on August 1, 2011 and considered the public input received to date, the staff's recommendation, and voted to recommendation that County Council rezone 2818 parcels into the Lake Residential District, 10 parcels into the Residential District, 15 parcels into the Community Commercial District, 7 parcels into the Agricultural District, and 1 parcel into the Public and Recreational Lands District..

SPECIAL CONSIDERATIONS OR CONCERNS:

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:
Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take Second Reading of Ordinance 2011-14 and schedule the required public hearing.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No
If yes, who is matching and how much: N/A

ATTACHMENTS

Copy of the draft ordinance 2011-014, written to reflect the Planning Commission recommendation
The Planning Commission minutes pertaining specifically to Ordinance 2011-14 and a copy of the staff's presentation to the Commission are attached..

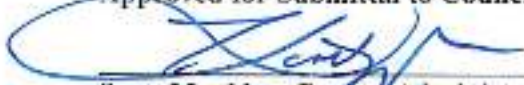
Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Dean J. Cobby
Department Head/Elected Official

Approved for Submittal to Council:


Scott Moulder, County Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.
A calendar with due dates marked may be obtained from the Clerk to Council.*

Planning Commission July 18, 2011 Meeting Minutes

Item 5: Discussion and/or Consideration of Ordinance 2011-14, referenced as Keowee Key and Stamp Creek Request

a. Public Comment

The following individuals spoke in favor of the rezoning request, specifically the LRD zoning, Mr. Gary Owens, Ms. Darleen Sprowls, Mr. Ed Card, and Mr. Kevin Minton.

The following individuals raised concerns and opposition to the current proposal: McCall Brothers, LLC (Mr. Keller McCall and Mr. Wayne McCall), Ms. Roberta Barton, and Mr. Mike Comit, and Mr. Bret Adams.

b. Staff Presentation

Mr. Gadsby presented the Commission with the details of the request, noting all input received, compliance with the Comprehensive Plan, issues to consider, and presented maps for consideration. A PowerPoint of the presentation was given to the Commission and Mr. Gadsby stated that the presentation would be posted online the following day.

c. Discussion and/or Consideration

After receiving all public comments and the staff presentation the Commission discussed the issue. Mr. Moore made a motion to place the rezoning request on the next agenda so that the Commission had time to consider all that we presented. Ms. McPhail seconded the motion. The motion passed unanimously.

Planning Commission August 1, 2011 Meeting Minutes (Draft)

Item 4: Discussion and/or Consideration of Ordinance 2011-14, referenced as Keowee Key and Stamp Creek Request

Mr. Gary Owens spoke against having the McCall properties zoned as Industrial.

Mr. Pat Henry asked the Planning Commission to request information from a court case with Duke.

Mr. Glen Gilbert, president of the Keowee Key Property Owners Association, said that the Planning Commission should vote in favor of the petition since they had such a large percent of petitioners.

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

Ref: Keowee Key/ Stamp Creek Request

Mr. Kevin Minton stated that he lived in Wynward Pointe and that he wanted the McCall property to be rezoned to LRD.

Mr. Gadsby reviewed the staff recommendation and showed the Commission an updated map that took into consideration all public input received to date.

Ms. McPhail made a motion to adopt the most recent map that was presented to the Commission. Ms. Heller seconded the motion. Discussion followed. Mr. McCall was called upon by Chairman Honea to address the Commission concerning the use of his parcels. The measure passed 5-1 with Mr. Honea voting against the measure and Mr. Moore voting in favor but with prejudice.

Staff presentation and accompanying notes are attached.

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

Ordinance 2011-14

Oconee County Planning Staff Presentation

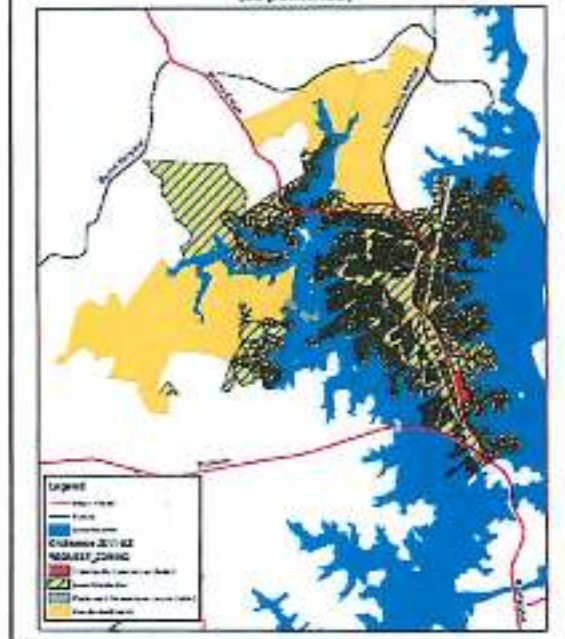
Ordinance 2011-14

**Keowee Key / Stamp Creek
Request**

The proposed Ordinance 2011-14 stems from a citizen initiated rezoning request submitted by Mr. Gary Owens. The request consists of 2, 858 parcels, with a total acreage comprising approximately 4,658 acres in the Control Free District, located in the vicinity of Keowee Key and Stamp Creek in Oconee County. As submitted 14 parcels would be rezoned into the Community Commercial District, 4 parcels would be rezoned into the Residential District, and 2,839 parcels would be rezoned into the Lake Residential District. Petitions containing signatures of at least 51% of the owners of the parcels in the request area were submitted in support of the proposal. On June 21, 2011 Council received public input on the request and took first reading in title only, sending the ordinance to the Commission for review and recommendation.

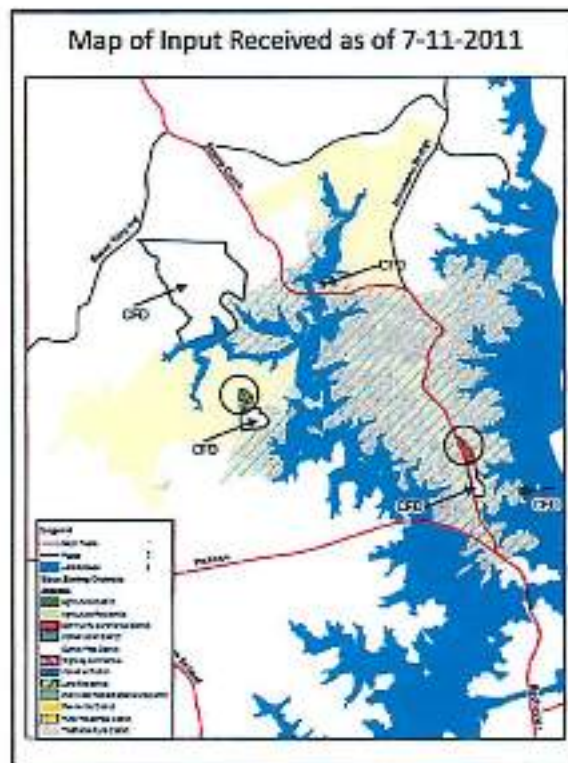
Map as Petitioned

Proposed Keowee Key and Stamp Creek Rezoning
(as petitioned)

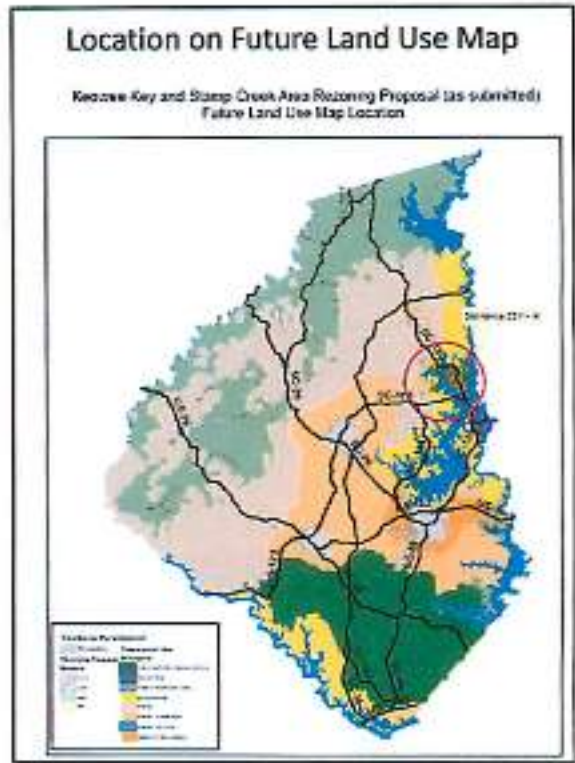


Public Input Received to Date

- **We have received a variety of public input since letters were mailed out**
 - **Some property owners requested their properties removed from consideration**
 - **Two property owners have requested alternative classifications**
 - **Others have called in support of the petition**



This is a visual representation of the input we have received. A few comments—the parcels shown in white have requested to stay zoned in the CFD. Notice one parcel within a subdivision has requested to be removed. The parcel circled and colored red provided input that the parcels fit the Community Commercial district, and that they would like them to be zoned accordingly. The parcels circled and colored green, provided input through a letter which you received asking to be removed and through a conversation I had with them on the phone they thought Agriculture fit the character of their property, so I should it as Agricultural.



The request is located within in two areas on the future land use map. It is predominately in the residential area, but it also goes over into the rural area.

**Future Land Use Area:
Rural and Residential
Compatible Zoning Districts**

- **Traditional Rural**
- **Agricultural**
- **Rural Residential**
- **Conservation**
- **Residential**
- **Lake Residential**
- **Agricultural Residential**
- **Community Commercial**
- **Consideration of highway commercial and industrial uses should be given when infrastructure is available or uses are currently present**

**Currently Adopted Zoning
in FLUM Areas**

Future Land Use Residential Area:

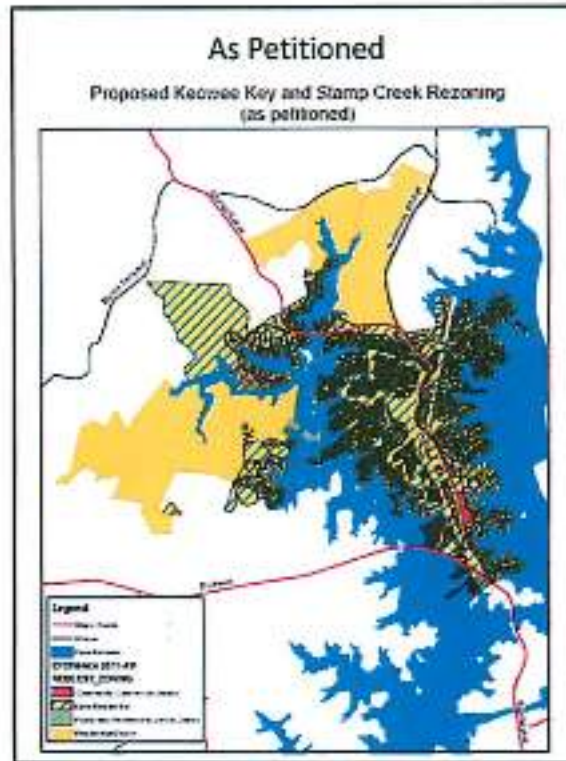
- **Residential District**
- **Lake Residential District**
- **Traditional Rural District**
- **Agricultural Residential District**

Future Land Use Rural Area:

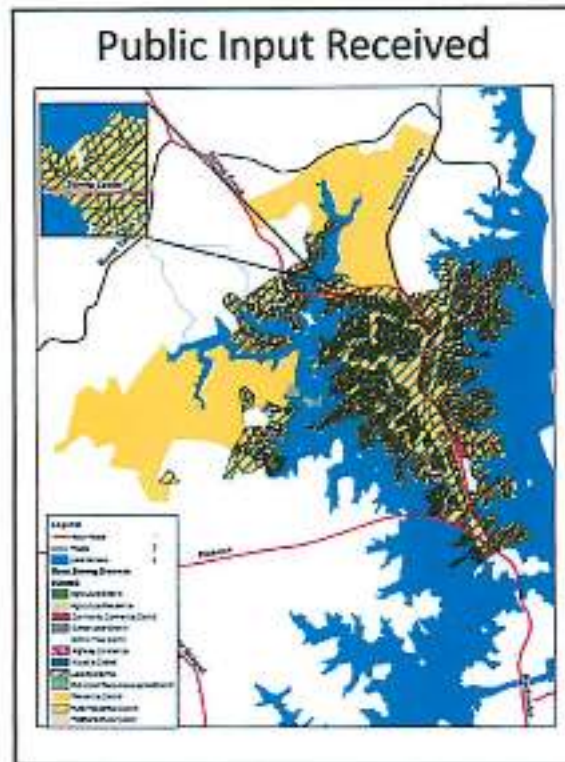
- **Traditional Rural District**

Staff Recommendation

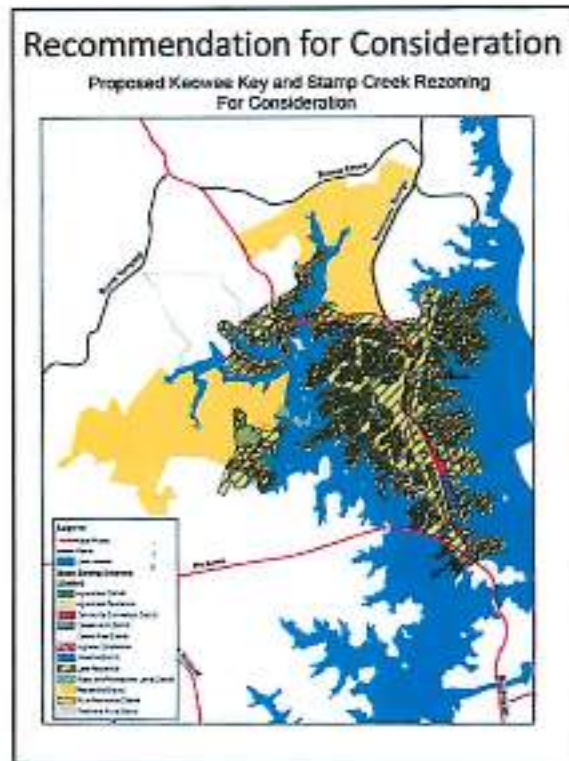
- **This rezoning request is located predominantly in the residential area, and extends into the rural area on the future land use map. The area being considered is made up of mostly lake front single family subdivisions, but it also contains a number of commercial sites, a marine industrial operation, and it is in close proximity to the Duke Energy Nuclear Plant . All of these characteristics should be considered as you make your recommendation,**
- **The districts requested reasonably comply with the Comprehensive Plan;**
- **The Commission should consider all public input received to date;**
- **Due to the size of the request, the Commission should consider all that is heard tonight and take the request back up at the next meeting;**
- **With the consensus of the Commission staff will develop other alternatives for consideration.**



Again, here is the "as petitioned" map.

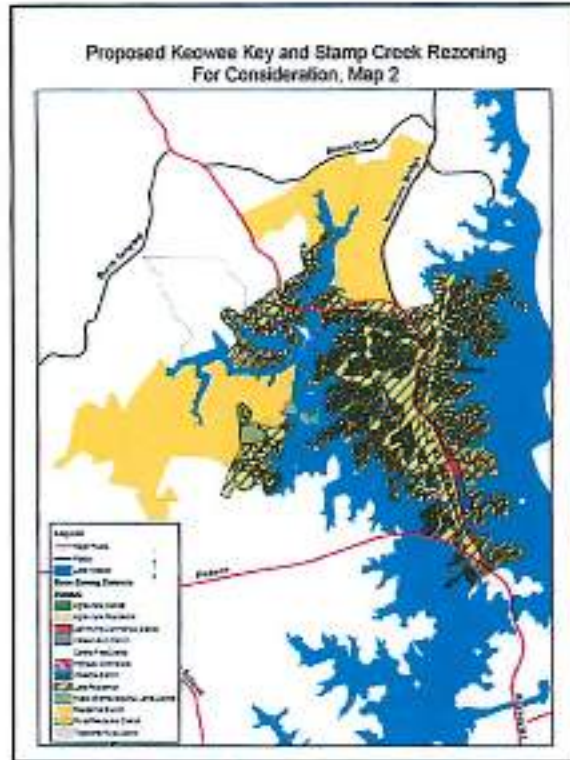


A map of the public input received. The next two maps were developed taking into consideration the public input received, what was known about the nature of the area. Keep in mind that our responsibility is to make a recommendation to Council as to the zoning for this area and so that they can make a final decision.



A couple of things to note,

1. A lot petitioned as lake residential adjacent to the larger residential parcel (just above the legend) is residential and since it is removed from the lake we have shown it as residential
2. Along Stamp Creek Landing Road, input was received asking that the parcels be removed, however it was mentioned that the nature of the parcels is agricultural, we agree
3. The parcel shown in white, is better characterized as being in the rural area on the future land use map, and we see no reason to include it at this time.
4. The parcel within the existing subdivision that requested remaining CFD is shown as Lake Residential, keeping it in conformity with the surrounding neighborhood. Keep in mind that for all practical purposes those parcels with existing covenant and restrictions-they govern use under the non-conformity clause in the ZEO, so the covenant of the subdivision in this case, if an issue arises will govern, and the zoning is secondary. It is good land use planning to keep the parcel zoned in conformity with the surrounding neighborhood of which it is apart.
5. The commercial area is shown with the two additional parcels, as requested. That section of road is commercial and the request fits.
6. The marine industrial and dive shop requested their properties to be removed, but if we understand the nature of the business correctly the closest "zoning" would be industrial, you also notice that part of this property is located on a point surrounded by a residential subdivision, so that from a land use planning perspective this is not an ideal situation. Again, keep in mind that all uses and any covenant and restrictions that are recorded govern the use of the property under the non-conformity clause of the ZEO. It would be appropriate to zone that parcel in conformity with the surrounding neighborhood.



This map is a good place to start a discussion as you work toward making a recommendation to County Council.

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE NO. 2011-14**

AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO

WHEREAS, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council (the "County Council"), is authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (the "Act"), codified in Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended (the "Code") to adopt zoning regulations and districts; and,

WHEREAS, Oconee County Council has heretofore, by and through its Zoning Enabling Ordinance, 2007-18, finally adopted on November 6, 2008 (the "Zoning Enabling Ordinance", or "ZEO"), codified at Chapter 38 of the Oconee Code of Ordinances (the "Oconee County Code"), adopted such zoning regulations and districts in accordance with and consistent with the Oconee County comprehensive land use plan; and,

WHEREAS, subsequent to the adoption of the Zoning Enabling Ordinance, a request for rezoning a series of parcels pursuant to provisions established in the Ordinance was duly presented to County Council; and,

WHEREAS, in accordance with the Act and the Zoning Enabling Ordinance, Oconee County Council has referred such matters to the Oconee County Planning Commission for their review, particularly regarding the proposed amendment's compliance with the Oconee County Comprehensive Plan. The Oconee County Planning Commission has, in fact, reviewed the rezoning request, and recommendations of the Oconee County Planning staff, and by at least a majority vote affirmed its opinion that the proposed changes are in compliance with the Comprehensive Plan, and has made certain recommendations concerning adoption of the changes by County Council. The Oconee County Council has considered the recommendation of the Oconee County Planning Commission, and the Oconee County Planning Department, held a public hearing, duly noticed and advertised, as required by law, to receive the comments of the public, finds that such comments and recommendations are correct and necessary, and desires to amend the Zoning Enabling Ordinance, as codified at Chapter 38 of the Oconee County Code of Ordinances, in certain limited particulars only, based on the review, comments, and recommendations of the Oconee County Planning Commission, the Oconee County Planning staff, and the public, and to otherwise ratify and reaffirm the Zoning Enabling Ordinance and other provisions of Chapter 38 of the Oconee County Code of Ordinances not specifically or by implication amended hereby.

NOW, THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled that:

1. Chapter 38 of the Oconee County Code of Ordinances is hereby amended, as follows, and in the following details, only:

A. The following parcels, listed in Appendix B of this ordinance, previously zoned in the Control-Free District (CFD), and duly identified on the Official Zoning Map to be in the Control-Free District, are hereby rezoned, and shall be in the Lake Residential District (LRD), and shown as such on the Official Zoning Map in the manner depicted in Appendix A of this Ordinance. Each parcel, and associated uses and activities conducted thereupon, shall be subject to all standards, limitations, and requirements established for the Traditional Rural District in Chapter 38 of the Code.

B. The following parcels previously zoned in the Control-Free District (CFD), and duly identified on the Official Zoning Map to be in the Control-Free District, are hereby rezoned, and shall be in the Agriculture District (AD), and shown as such on the Official Zoning Map in the manner depicted in Appendix A of this Ordinance. Each parcel, and associated uses and activities conducted thereupon, shall be subject to all standards, limitations, and requirements established for the Agricultural District in Chapter 38 of the Code.

Parcel (Tax Identification Number)

110-00-01-008	110-00-01-014	123-00-02-001
110-00-01-012	110-00-01-015	
110-00-01-013	110-00-01-999	

C. The following parcels previously zoned in the Control-Free District (CFD), and duly identified on the Official Zoning Map to be in the Control-Free District, are hereby rezoned, and shall be in the Community Commercial District (CCD), and shown as such on the Official Zoning Map in the manner depicted in Appendix A of this Ordinance. Each parcel, and associated uses and activities conducted thereupon, shall be subject to all standards, limitations, and requirements established for the Community Commercial District in Chapter 38 of the Code.

Parcel (Tax Identification Number)

111-00-02-015	111-24-01-002	111-24-01-006	124-00-01-001
111-00-02-016	111-24-01-003	111-24-01-007	124-00-01-007
111-00-02-017	111-24-01-004	111-24-01-008	124-00-02-004
111-00-02-024	111-24-01-005	111-24-01-009	

D. The following parcels previously zoned in the Control-Free District (CFD), and duly identified on the Official Zoning Map to be in the Control-Free District, are hereby rezoned, and shall be in the Public and Recreational Lands District (PRLD), and shown as such on the Official Zoning Map in the manner depicted in Appendix A of this Ordinance. Each parcel, and associated uses and activities conducted thereupon, shall be subject to all standards, limitations, and requirements established for the Public and Recreational Lands District in Chapter 38 of the Code.

Parcel (Tax Identification Number)

110-00-01-004

E. The following parcels previously zoned in the Control-Free District (CFD), and duly identified on the Official Zoning Map to be in the Control-Free District, are hereby rezoned, and shall be in the Residential District (RD), and shown as such on the Official Zoning Map in the manner depicted in Appendix A of this Ordinance. Each parcel, and associated uses and activities conducted thereupon, shall be subject to all standards, limitations, and requirements established for the Residential District in Chapter 38 of the Code.

Parcel (Tax Identification Number)

098-00-02-008	110-00-01-005	110-00-01-018
099-00-01-001	110-00-01-006	123-00-03-043
099-00-01-034	110-00-01-007	
109-00-03-003	110-00-01-009	

2. All other parts and provisions of the Oconee County Code of Ordinances not amended hereby, either explicitly or by implication, remain in full force and effect. The Zoning Enabling Ordinance, Ordinance 2007-18, and Chapter 38 of the Oconee County Code of Ordinances as amended hereby, are hereby ratified and affirmed, *ab initio*.
3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
4. All ordinances, orders, resolutions, and actions of Oconee County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

5. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by Oconee County Council.

ORDAINED in meeting, duly assembled, this ____ day of _____, 2011.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
Joel Thrift, Chairman, County Council
Oconee County, South Carolina

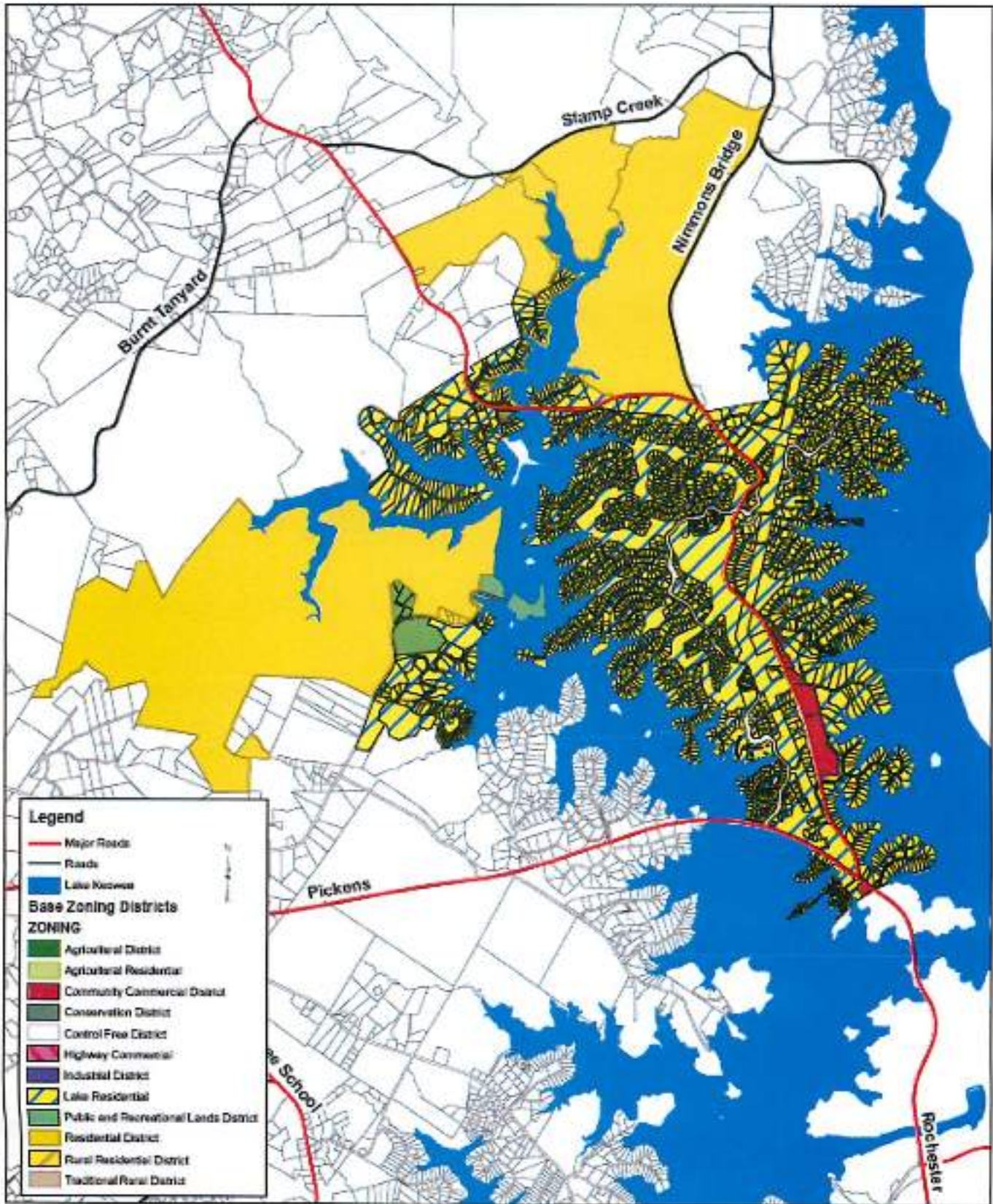
ATTEST:

By: _____
Elizabeth G. Hulse, Clerk to County Council
Oconee County, South Carolina

First Reading: June 21, 2011
Second Reading: September 6, 2011
Public Hearing:
Third Reading:

APPENDIX A

Parcels Rezoned by Ordinance 2011-14



Appendix B
Parcels Rezoned into the Lake Residential District

111-06-01-001	111-06-01-051	111-07-01-006	111-07-02-009	111-07-05-018	111-08-01-016
111-06-01-002	111-06-01-052	111-07-01-007	111-07-02-010	111-07-05-019	111-08-01-017
111-06-01-003	111-06-01-053	111-07-01-008	111-07-02-011	111-07-05-020	111-08-01-018
111-06-01-004	111-06-01-054	111-07-01-009	111-07-03-001	111-07-05-021	111-08-01-020
111-06-01-005	111-06-01-056	111-07-01-010	111-07-03-002	111-07-05-022	111-08-01-021
111-06-01-007	111-06-01-057	111-07-01-011	111-07-03-003	111-07-05-023	111-08-01-022
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111-06-01-009	111-06-01-059	111-07-01-014	111-07-03-005	111-07-05-025	111-08-01-024
111-06-01-010	111-06-01-060	111-07-01-016	111-07-03-006	111-07-05-026	111-08-01-025
111-06-01-011	111-06-02-002	111-07-01-017	111-07-03-007	111-07-05-027	111-08-01-026
111-06-01-012	111-06-02-003	111-07-01-018	111-07-03-008	111-07-05-028	111-08-01-027
111-06-01-013	111-06-02-004	111-07-01-019	111-07-04-001	111-07-05-029	111-08-01-028
111-06-01-015	111-06-02-005	111-07-01-020	111-07-04-002	111-07-05-030	111-08-01-029
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111-06-01-019	111-06-02-009	111-07-01-024	111-07-04-006	111-07-05-034	111-08-01-033
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111-06-01-024	111-06-02-015	111-07-01-030	111-07-04-012	111-07-06-001	111-08-01-039
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111-06-01-026	111-06-02-017	111-07-01-032	111-07-04-014	111-07-06-003	111-08-01-041
111-06-01-028	111-06-02-018	111-07-01-033	111-07-04-015	111-07-06-004	111-08-01-042
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State of South Carolina State Ethics Commission

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VACANT, MEMBER AT LARGE

5000 THURMOND MALL, SUITE 250
COLUMBIA, S.C. 29201

HERBERT R. HAYDEN, JR.
EXECUTIVE DIRECTOR

June 27, 2011

Ms. Elizabeth Hulse, Clerk
Oconee County Council
415 South Pine Street
Walhalla, South Carolina 29691

RE: Request for Informal Opinion

Dear Ms. Hulse:

Thank you for your recent request for an informal opinion. An informal opinion is the opinion of the Commission staff based on the State Ethics Commission's prior published opinions; however, an informal opinion is not binding on the Commission. S.C. Code Ann. §8-13-320 (Supp. 1997). The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991. This opinion is based on the facts as you submitted. Any material deviation from the submitted facts or failure to disclose relevant information will void this opinion. An opinion does not supersede any other statutory or regulatory restrictions which may apply to this situation.

Issue

In your letter you state the following:

Mr. Paul Corbeil is asking for an opinion regarding a pending re-zoning ordinance that will impact his private subdivision along with other properties. The proposed Ordinance [#2011-14] stems from a citizen-initiated rezoning request [Mr. Gary Owens is the official sponsor of the request] consisting of 2,858

parcels, with a total acreage comprising approximately 4,658 acres in the Control Free District, located in the vicinity of Keowee Key and Stamp Creek in Oconee County.

When the petitions were being initially circulated Mr. Corbeil was not a member of Council. He was a member of the Keowee Key Property Owners Association [KKPOA]. He did assist in and help coordinate the preparation, mailing and response to KKPOA property owners of a petition regarding zoning. The mailing was a part of an early January, 2009 billing mailing [*see attached copy*]. Subsequent to this mailing and the initial tabulation of the petition results, he resigned from the KKPOA. Other than an awareness of, he had no other involvement in this matter until it recently came before Council at the June 21, 2011 Council meeting [*draft minute excerpt attached*]. The issue at hand relates to the petitions [*including some completed after Mr. Corbeil was elected to Council*] that have Mr. Corbeil's name as the contact person for the petition along with the email for KKPOA.

Mr. Corbeil is aware that as a member of a large class he does not need to remove himself from any action regarding that zoning ordinance, however, as his name appears on the earliest Keowee Key petitions does that change his status within the group?

Mr. Corbeil is requesting an Ethics Commission opinion regarding this matter at your earliest convenience.

Law

Section 8-13-700(B) states in part:

No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated shall:

- (1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

* * *

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of any agency, commission, board, or of any county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

Discussion

No public official may make, participate in making, or in any way use his office to influence a government decision in which he, a member of his immediate family, an individual with whom he is associated or a business with which he is associated has an economic interest. Section 8-13-700(B). Membership in an organization does not make the organization a business with which a public official is associated.

If neither Mr. Corbeil, nor his spouse is an officer or board member of KKPOA, then KKPOA is not a business with which he is associated. The fact that Mr. Corbeil took some action before being elected to council does not create a business with which associated relationship forever. Based on the information provided, Mr. Corbeil can vote on the re-zoning matter as a member of a large class.

Thank you for contacting the State Ethics Commission. If I can be of further assistance in matters within the Commission's jurisdiction, please contact me.

Sincerely,



Cathy L. Hazelwood
Deputy Director and General Counsel

CLH/

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE NO. 2011-27**

AN ORDINANCE AUTHORIZING THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA WORKLINK WORKFORCE INVESTMENT CORPORATION AS A SOUTH CAROLINA NONPROFIT CORPORATION TO SERVE AS THE LOCAL WORKFORCE INVESTMENT BOARD FOR THE WORKFORCE INVESTMENT AREA COMPRISED OF ANDERSON COUNTY, OCONEE COUNTY, AND PICKENS COUNTY, SOUTH CAROLINA THROUGH EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND AMONG SAID COUNTIES; AUTHORIZING EXECUTION AND DELIVERY OF SUCH INTERGOVERNMENTAL AGREEMENT; AND, OTHER MATTERS RELATING THERETO.

WHEREAS, the United States Congress enacted Public Law 105-220, known as the Workforce Investment Act of 1998 (“WIA”), which among other things, was enacted to facilitate workforce investment activities through the implementation of state and local workforce investment systems; and

WHEREAS, by virtue of a Consortium Agreement entered into by and among Anderson County, Oconee County, and Pickens County, South Carolina (the “Counties”) in 1999 (the “Consortium Agreement”), in accordance with Section 117(c)(1)(B)(i) of the WIA, a consortium known as the WorkLink Workforce Investment Board (the “Consortium Board”) was formed to serve as the local workforce investment board for the workforce investment area comprised by the three Counties (the “Pendleton Workforce Area”), as designated by the Governor of South Carolina, all as required under the WIA and the state plan adopted by the Governor of South Carolina implementing the WIA (the “State Plan”), as same may be amended; and

WHEREAS, the Consortium Board and the County Council for each of the Counties believe that it would be beneficial to all parties for the Consortium Board to be replaced by a South Carolina nonprofit corporation to be known as the **South Carolina WorkLink Workforce Investment Corporation** (hereinafter referred to as the “Corporation”), which shall apply to be tax-exempt under Section 501(c)(3) of the Internal Revenue Code, so that the Corporation can carry on all of the current functions of the Consortium Board as the local workforce investment board for the Pendleton Workforce Area, and therefore, desire to authorize the creation of such non-profit corporation in furtherance of such purpose; and

WHEREAS, the Counties, desire to enter into an intergovernmental agreement in substantially the same form as the agreement attached hereto as **Exhibit A** (the “Intergovernmental Agreement”), which among other things, provides for the creation and organization of the Corporation and sets out certain duties and obligations of the Counties related to the Corporation, all in accordance with the WIA and the State Plan; and

EXHIBIT A

Intergovernmental Agreement

SEE ATTACHED

**INTERGOVERNMENTAL AGREEMENT
CREATING THE
SOUTH CAROLINA WORKLINK WORKFORCE INVESTMENT CORPORATION**

THIS INTERGOVERNMENTAL AGREEMENT is entered into effective the ___ day of _____, 2011, by and between Anderson County, Oconee County, and Pickens County, South Carolina (hereinafter collectively referred to as the “Counties”), in accordance with and as authorized by ordinances duly adopted by the County Council for each of the Counties.

WHEREAS, the United States Congress enacted Public Law 105-220, known as the Workforce Investment Act of 1998 (“WIA”), which among other things, was enacted to facilitate workforce investment activities through the implementation of state and local workforce investment systems; and

WHEREAS, by virtue of a Consortium Agreement entered into by and between the Counties in 1999 (the “Consortium Agreement”), in accordance with Section 117(c)(1)(B)(i) of the WIA, a consortium known as the WorkLink Workforce Investment Board (the “Consortium Board”) was formed to serve as the local workforce investment board for the workforce investment area comprised by the three Counties (the “Pendleton Workforce Area”), as designated by the Governor of South Carolina, all as required under the WIA and the state plan adopted by the Governor of South Carolina implementing the WIA (the “State Plan”), as same may be amended; and

WHEREAS, the Consortium Board and the County Council for each of the Counties believe that it would be beneficial to all parties for the Consortium Board to be replaced by a South Carolina nonprofit corporation, tax-exempt under Section 501(c)(3) of the Internal Revenue Code, so that, the new entity could carry on all current functions of the Consortium Board as the local workforce investment board for the Pendleton Workforce Area, and to that end, have agreed to create such non-profit corporation as set forth below.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Counties agree as follows:

1. **Formation of Corporation.** The Consortium Board shall form a South Carolina nonprofit corporation to be known as the **South Carolina WorkLink Workforce Investment Corporation** (hereinafter referred to as the “Corporation”), which shall apply to become tax-exempt under Section 501(c)(3) of the Internal Revenue Code. The Chairpersons of County Council for each of the Counties (collectively, the “Chief Local Elected Officials”) shall act as the incorporators of the Corporation and shall serve as the “Worklink Consortium Panel”, for all purposes set forth below.
2. **Appointment of Initial Board.** Once the Corporation is duly formed with the Secretary of State, the Worklink Consortium Panel shall appoint the current members of the Consortium Board to also serve as the initial Board of Directors of the Corporation (the “Directors”).
3. **Organizational Meeting of the Corporation.** Once appointed, after providing proper notice under the South Carolina Freedom of Information Act, the Directors shall hold the

organizational meeting of the Board of Directors of the Corporation, in order to take notice of and document the existence and composition of the initial Board of Directors of the Corporation, to adopt and ratify the Articles of Incorporation filed with the Secretary of State as the Articles of Incorporation of the Corporation, to adopt appropriate By-Laws for the Corporation as approved by the Worklink Consortium Panel, to elect officers of the board of directors, to resolve, on behalf of the Corporation, to file an application for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and to register the Corporation as a fundraising organization with the South Carolina Secretary of State.

4. **Notice Letter.** Once notice is received by the Corporation that the Corporation is tax-exempt under Section 501(c)(3) of the Internal Revenue Code, the Chairperson of the Board of Directors for the Corporation shall notify the Worklink Consortium Panel, in writing, that all conditions precedent to the Corporation becoming the local workforce investment board for the Pendleton Workforce Area have been satisfied (the "Notice Letter"). The first day of the first month following the date of the Notice Letter shall be the Transition Date for purposes of this Agreement (the "Transition Date").

5. **Transition.** The Parties agree that, as of the Transition Date, the Corporation shall serve as the local workforce investment board for the Pendleton Workforce Area, any and all assets of the Consortium Board shall become the Corporation's assets, any liabilities of the Consortium Board shall become the liabilities of the Corporation and the Consortium Board shall be disbanded effective as of the Transition Date. From and after the Transition Date, the Corporation shall be tasked with the responsibility of implementing and carrying out the provisions of the WIA, the State Plan, and any duly adopted local plan, as the local workforce investment board for the Pendleton Workforce Area.

6. **Appointment of the Members of the Board of Directors.** Pursuant to Section 117(c)(1)(B)(i)(I) of the WIA, the Worklink Consortium Panel shall unanimously appoint the members of the Board of Directors of the Corporation in accordance with this Agreement, the By-Laws of the Corporation, the criteria established in Section 117(b) of the WIA, and in accordance with any criteria established by the Governor of South Carolina in partnership with the South Carolina Workforce Investment Board under the State Plan, all as same may be amended. The Worklink Consortium Panel shall jointly bear the responsibility for meeting all requirements and criteria for board appointments and board composition prescribed by the WIA and the State Plan, and each member of the Worklink Consortium Panel shall use his or her best efforts to ensure the appointments made meet all criteria established in Section 117(b) of the WIA and any criteria established under the State Plan, as same may be amended.

7. **Composition of the Board of Directors.** After the Transition Date, and only to the extent the following methodology is not in conflict with the WIA or the State Plan, the Worklink Consortium Panel, by unanimous agreement of its members, and in accordance with this Agreement and the By-Laws of the Corporation, shall appoint Directors from each of the Counties in the ratio that each county's population plays to the aggregate population of all three Counties. For purposes of calculating relative populations, the population estimates from the most recent US Census Bureau Census (the "Census") shall be utilized, with any adjustments to the numbers of Directors appointed by the Worklink Consortium Panel taking effect at the time new Directors of the Corporation are to be appointed under the By-Laws of the Corporation. For example, if under the most recent Census, Pickens County had an estimated population of 200,000 and the aggregate population estimate for all three Counties was 500,000, the Worklink

Consortium Panel would attempt to appoint 40% of the Directors of the Corporation from Pickens County at the time new appointments of Directors are made in accordance with the By-laws of the Corporation. Notwithstanding the foregoing, the Worklink Consortium Panel may alter the representation ratio of the Board of Directors where necessary to ensure compliance with the requirements of Section 117(b) of the WIA, as amended.

8. **Local Grant Recipients.** Section 117(d)(3)(B)(i)(I) of the WIA requires that the Chief Local Elected Officials of the Counties serve as the local grant recipients for, and shall be liable for any misuse of, the grant funds allocated to the Pendleton Workforce Area under Sections 128 and 133 of the WIA (the "Grant Funds"). The parties agree that fiscal responsibility for the Grant Funds under this Agreement shall be allocated among the Chief Local Elected Officials based upon the relative proportion of Grant Funds received by each County for the applicable calendar year.

9. **Designation of Corporation as Subrecipient/Fiscal Agent.** In accordance with Section 117(d)(3)(B)(i)(II) of the WIA, effective as of the Transition Date, the Counties, by and through the Worklink Consortium Panel, hereby re-appoint the Appalachian Council of Governments ("ACOG") as the local grant subrecipient and/or fiscal agent for the local workforce investment board for the Pendleton Workforce Area, to carry out such responsibilities in compliance with all requirements of the WIA through June 30, 2012. In the event the Worklink Consortium Panel replaces ACOG as the local grant subrecipient and/or fiscal agent as of July 1, 2012, ACOG shall diligently cooperate with the Worklink Consortium Panel and the Corporation in the transfer of all funds held by ACOG as local grant subrecipient and/or fiscal agent, in the transfer of all record-keeping related to said funds, and in the orderly transition of all of said responsibilities to the newly appointed local grant subrecipient and/or fiscal agent for the local workforce investment board for the Pendleton Workforce Area; and the WorkLink Consortium Panel and the Corporation shall diligently cooperate with ACOG to ensure ACOG does not have any unfunded liabilities relating to accrued and unused annual leave time for ACOG employees whose salaries were funded with WIA funds or any unfunded unemployment liabilities to ACOG employees whose salaries were funded with WIA funds. The designation of any other party as the local grant subrecipient and/or fiscal agent for the local workforce investment board for the Pendleton Workforce Area shall in no way relieve the Chief Local Elected Officials of the liability for any misuse of funds as noted in Paragraph 8 above, nor shall it relieve ACOG of any liability for misuse of funds while it served as subrecipient and/or fiscal agent for the local workforce investment board for the Pendleton Workforce Area.

10. **Withdrawal by County.** Any County may withdraw from the Corporation and terminate its obligations under this Agreement as of the end of any two year Workforce Investment Area designation period, by giving written notice of withdrawal to the Chairperson of the Corporation, and to each of the other Chief Local Elected Officials, at least six months prior to the end of any two year Workforce Investment Area designation period; provided, however, any such withdrawal shall in no way limit, release or abrogate the liability of the Chief Local Elected Official from the withdrawing county for misuse of Grant Funds prior to the effective date of the withdrawal.

11. **Obligations and Responsibilities of the Counties.** Each County shall promptly furnish the Corporation with any information reasonably requested in writing by the Corporation related to this Agreement or which is related to the Corporation's role under the WIA. The governing body of each County agrees to cooperate with the Corporation in carrying out the Corporation's

responsibilities under the WIA as required in Section 117 of the WIA. The responsibilities of the Worklink Consortium Panel shall include, but not be limited to, the following:

- a) Timely appointment of members of the Board of Directors of the Corporation in compliance with this Agreement, the By-Laws of the Corporation, the criteria established in Section 117(b) of the WIA, any criteria established by the Governor of South Carolina in partnership with the South Carolina Workforce Investment Board under the State Plan, all as same may be amended;
- b) Cooperation with the Corporation's selection of members to the Youth Council of the Corporation;
- c) Cooperation with the Corporation in conducting oversight with respect to local programs of applicable youth activities and local employment and training activities in the local area;
- d) Shared oversight of the One-Stop System within the Pendleton Workforce Area in partnership with the Corporation, and participation in the selection process for One-Stop Operators and in their termination for cause;
- e) Participation in negotiation of local area performance measures;
- f) Collaboration with the Corporation in developing all local plans for the Pendleton Workforce Area; and
- g) Participation in the preparation and approval of the budget for the Corporation.

12. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties and there are no collateral contracts or agreements between the parties relating to the subject matter of this Agreement.

13. **Applicable Law.** This Agreement shall be construed and enforced under the laws of the State of South Carolina, without regard to conflict of law principles.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

SIGNATURE PAGE OF ANDERSON COUNTY, SOUTH CAROLINA
FOR INTERGOVERNMENTAL AGREEMENT

ANDERSON COUNTY

Signature of Chief Elected Official

Date

Print Name and Title

ATTEST:

By:

Clerk of County Council
Anderson County, South Carolina

SIGNATURE PAGE OF OCONEE COUNTY, SOUTH CAROLINA
FOR INTERGOVERNMENTAL AGREEMENT

OCONEE COUNTY

Signature of Chief Elected Official

Date

Joel Thrift, Council Chairman,
Oconee County, South Carolina

ATTEST:

By:

Elizabeth G. Hulse, Clerk of County Council
Oconee County, South Carolina

SIGNATURE PAGE OF PICKENS COUNTY, SOUTH CAROLINA
FOR INTERGOVERNMENTAL AGREEMENT

PICKENS COUNTY

Signature of Chief Elected Official

Date

Print Name and Title

ATTEST:

By:

Clerk of County Council
Pickens County, South Carolina

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

First Reading (In Caption Only) of Ordinance 2011-18: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-18 stems from a citizen-initiated rezoning request submitted by Mr. Jess Neville. The request consists of 20 parcels, grouped into eight contiguous groups of more than 200 acres in the Control Free District, located throughout Oconee County. The parcels are located predominately in the rural area, but also located in the residential, and the rural suburban areas on the Future Land Use Map. As submitted all parcels would be rezoned into the Traditional Rural District. Petitions containing the signatures at least 51% of the owners of the parcels in the request area were submitted in support of the proposal.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take First Reading (In Caption Only) of Ordinance 2011-18, and refer the matter to the Planning Commission for the required review.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No
If yes, who is matching and how much: N/A

ATTACHMENTS

Maps of rezoning proposal as submitted, and the request's location on the Future Land Use Map

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

 Kevin J. Cobby
Department Head/Elected Official

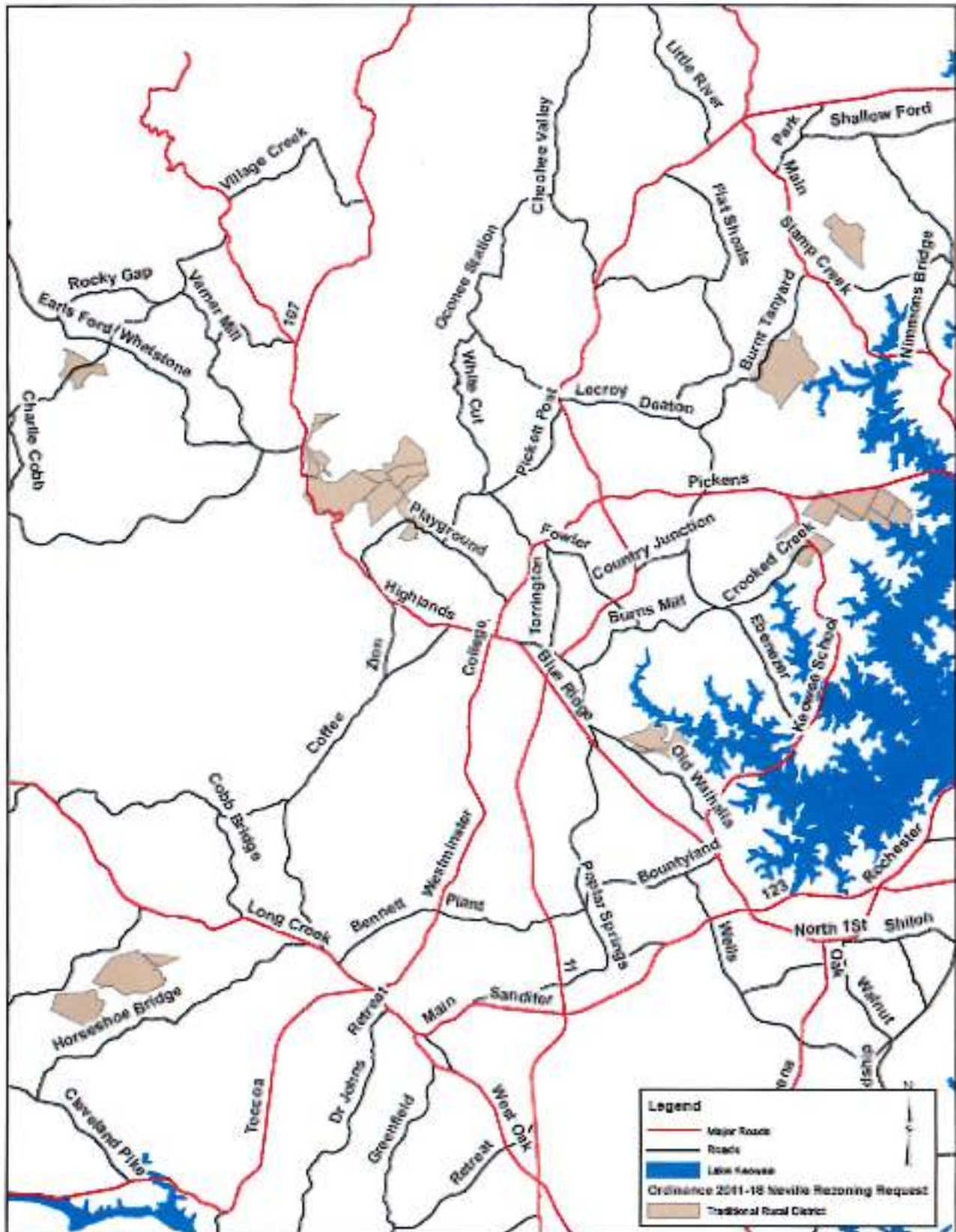
Approved for Submittal to Council:

 [Signature]
Scott Moulder, County Administrator

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

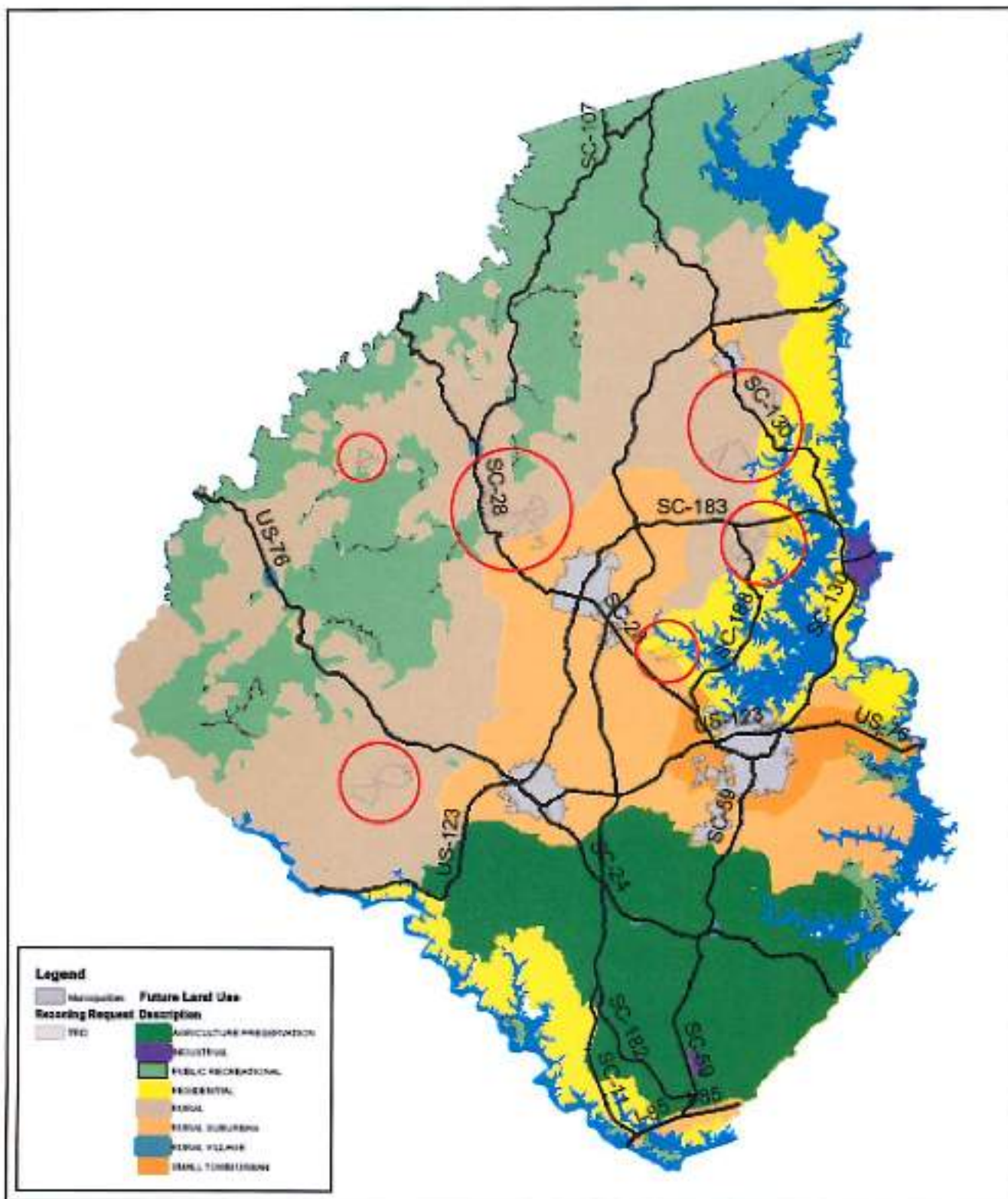
Proposed Ordinance #2011-18 Neville Request (As Petitioned)



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head/ Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

Ordinance 2011-18 Neville Rezoning Proposal (as submitted) Future Land Use Map Location



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.
A calendar with due dates marked may be obtained from the Clerk to Council.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

First Reading (In Caption Only) of Ordinance 2011-19: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-19 stems from a citizen-initiated rezoning request submitted by Mr. and Mrs. George Mathis. The request consists of 5 parcels consisting of a contiguous 200 acres in the Control Free District, located throughout Oconee County. The parcels are located in residential area on the Future Land Use Map. As submitted all parcels would be rezoned into the Traditional Rural District. Petitions containing the signatures at least 51% of the owners of the parcels in the request area were submitted in support of the proposal.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take First Reading (In Caption Only) of Ordinance 2011-19, and refer the matter to the Planning Commission for the required review.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No
If yes, who is matching and how much: N/A

ATTACHMENTS

Maps of rezoning proposal as submitted, and the request's location on the Future Land Use Map

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Ann J. Cobble

_____ Department Head/Elected Official

Approved for Submittal to Council:

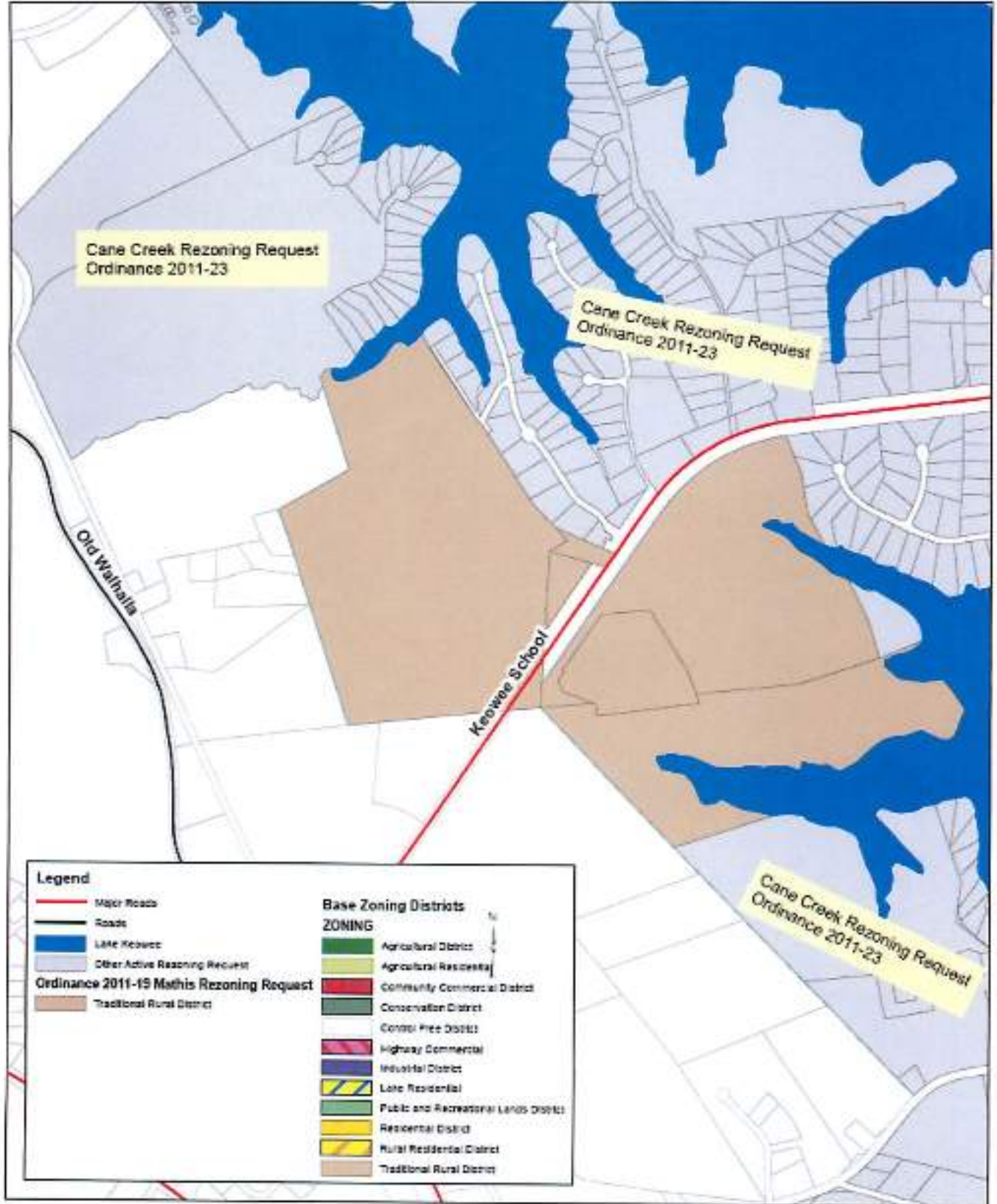
[Signature]

_____ Scott Moulder, County Administrator

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

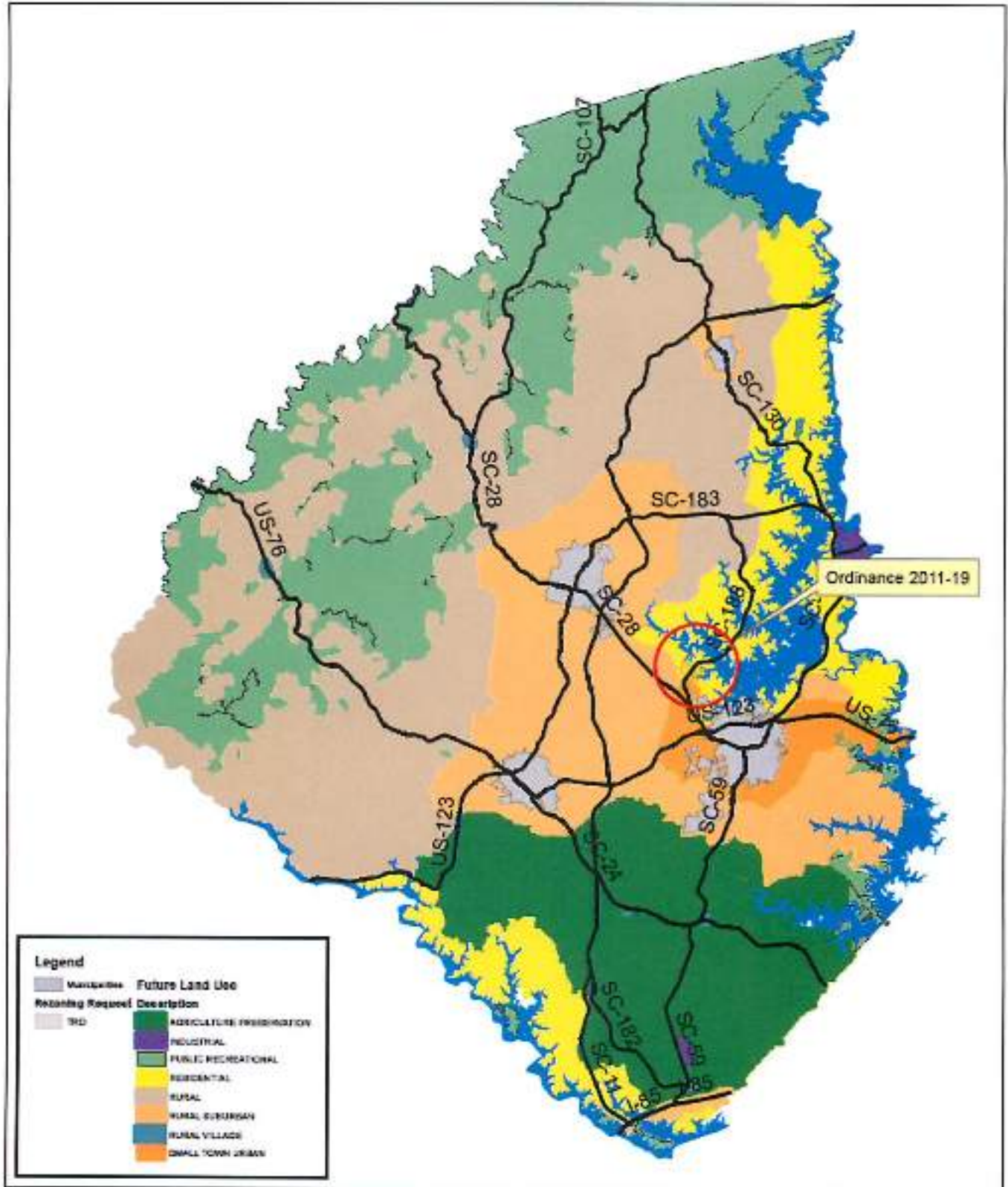
Proposed Ordinance #2011-19 Mathis Request (As Petitioned)



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

Ordinance 2011-19 Mathis Rezoning Proposal (as submitted) Future Land Use Map Location



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

First Reading (In Caption Only) of Ordinance 2011-20: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-20 stems from a citizen-initiated rezoning request submitted by Ms. Gretchen Fuller. The request consists of 44 parcels in the subdivision of Moonlight Bay in the Control Free District, located throughout Oconee County. The parcels are located in residential area on the Future Land Use Map. As submitted 1 parcel would be rezoned into the Community Commercial District and 43 parcels would be rezoned into the Lake Residential District. Petitions containing the signatures at least 51% of the owners of the parcels in the request area were submitted in support of the proposal.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:
Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take First Reading (In Caption Only) of Ordinance 2011-20, and refer the matter to the Planning Commission for the required review.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No
If yes, who is matching and how much: N/A

ATTACHMENTS

Maps of rezoning proposal as submitted, and the request's location on the Future Land Use Map

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Anna J. Cobby

Department Head/Elected Official

Approved for Submittal to Council:

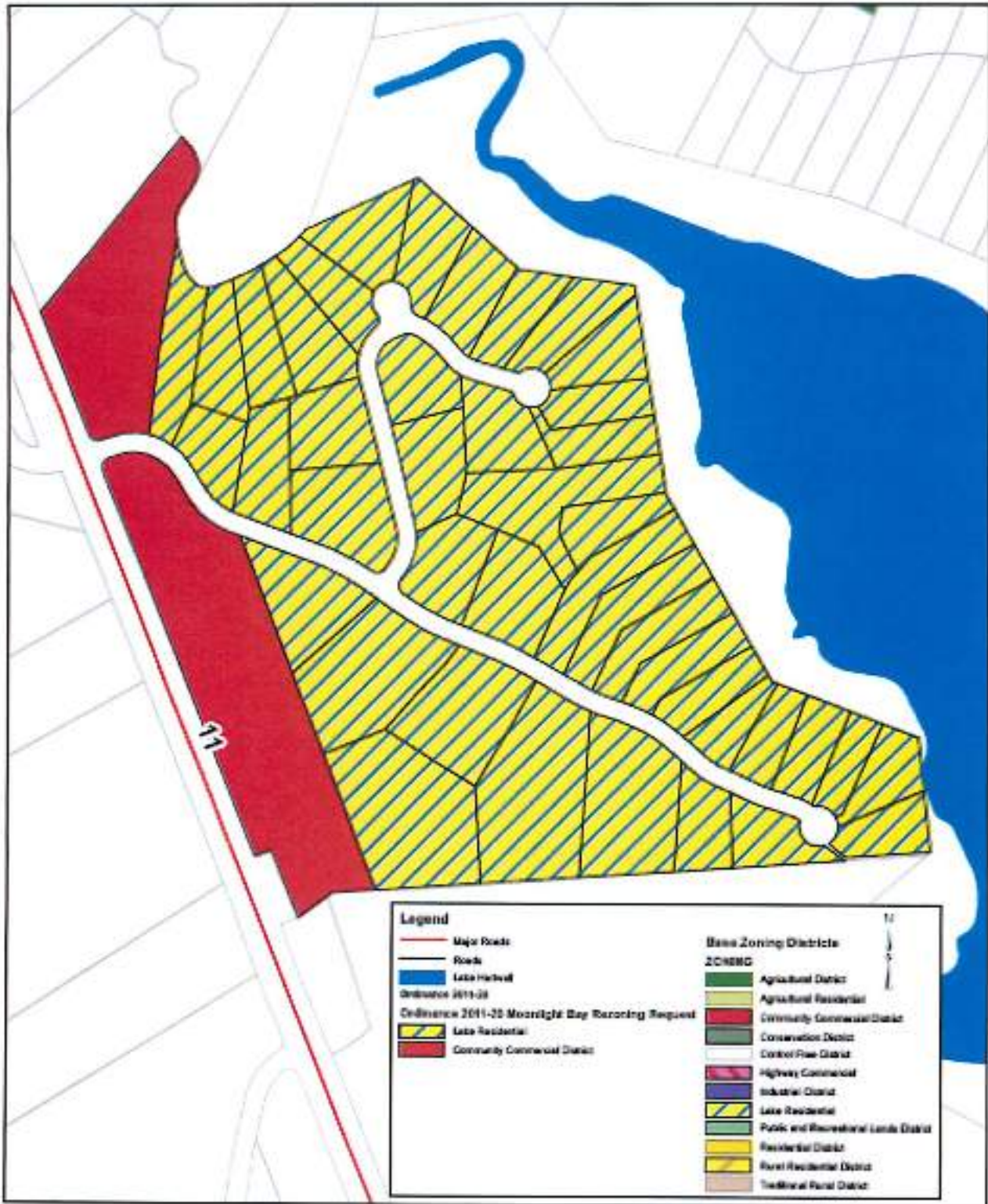
Scott Moulder

Scott Moulder, County Administrator

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

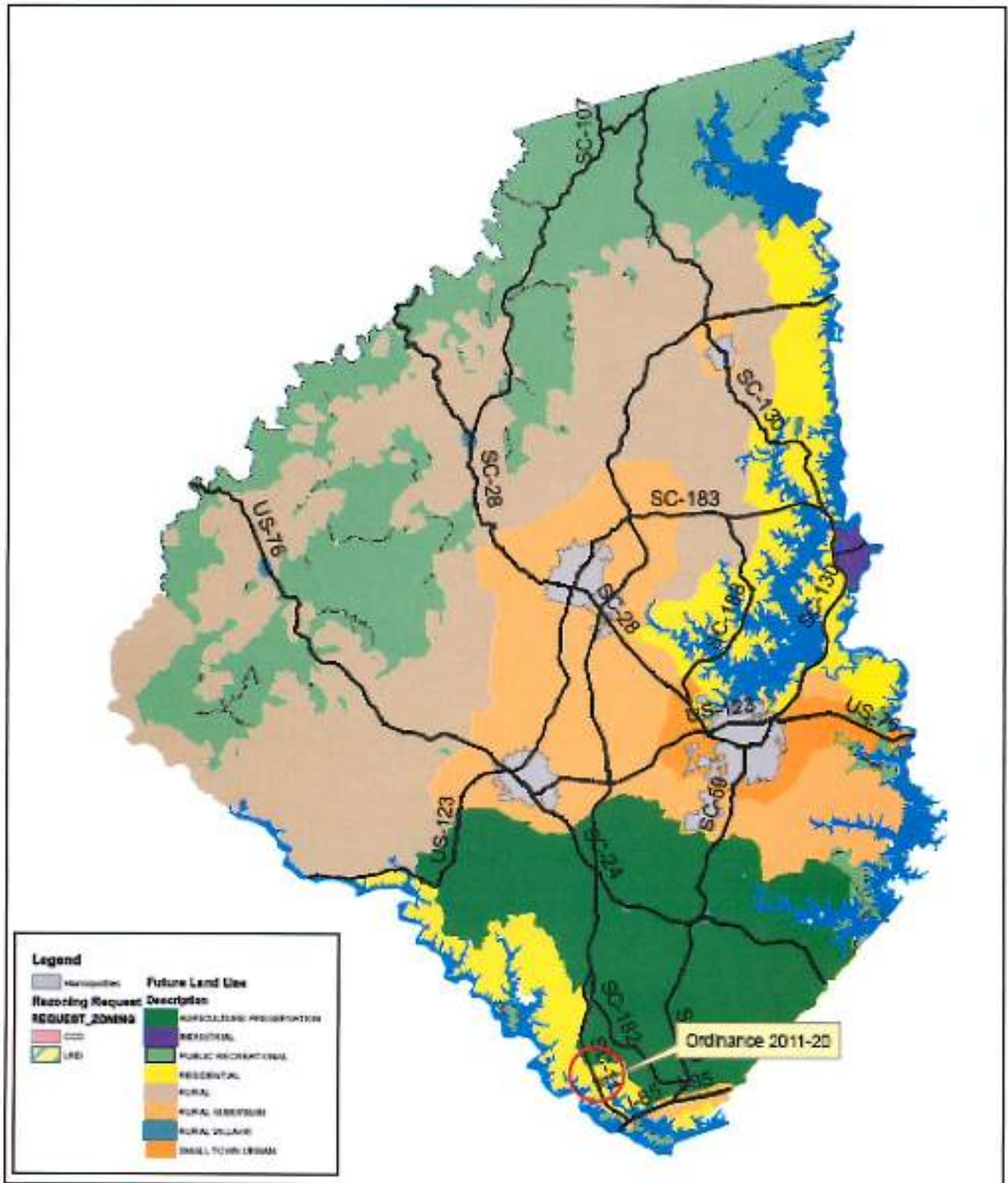
Proposed Ordinance #2011-20 Moonlight Bay Request (As Petitioned)



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head/ Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

Ordinance 2011-20 Moonlight Bay Rezoning Proposal (as submitted) Future Land Use Map Location



COUNCIL HAS DECIDED THAT THEY RECEIVE THEIR AGENDA PACKAGES AT LEAST PRIOR TO EACH COUNCIL MEETING, THEREFORE, AGENDA ITEMS COMMITTEES MUST BE SUBMITTED TO THE ADMINISTRATOR FOR HIS REVIEW/APPROVAL NO LATER THAN 12 DAYS PRIOR TO EACH COUNCIL MEETING. IT IS THE DEPARTMENT HEAD/ELECTED OFFICIALS RESPONSIBILITY TO ENSURE THAT ALL APPROVALS ARE OBTAINED PRIOR TO SUBMISSION TO THE ADMINISTRATOR FOR INCLUSION ON AN AGENDA.

A calendar with due dates marked may be obtained from the Clerk to Council.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

First Reading (In Caption Only) of Ordinance 2011-21: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-21 stems from a citizen-initiated rezoning request submitted by Ms. Debbie Morehead. The request consists of 43 parcels in area of McClure and N. Return Church Roads in the Control Free District. The parcels are located in small town urban and rural suburban area on the Future Land Use Map. As submitted all parcels would be rezoned into the Traditional Rural District. Petitions containing the signatures at least 51% of the owners of the parcels in the request area were submitted in support of the proposal.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take First Reading (In Caption Only) of Ordinance 2011-21, and refer the matter to the Planning Commission for the required review.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No
If yes, who is matching and how much: N/A

ATTACHMENTS

Maps of rezoning proposal as submitted, and the request's location on the Future Land Use Map

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Ann J. Cobby

Department Head/Elected Official

Approved for Submittal to Council:

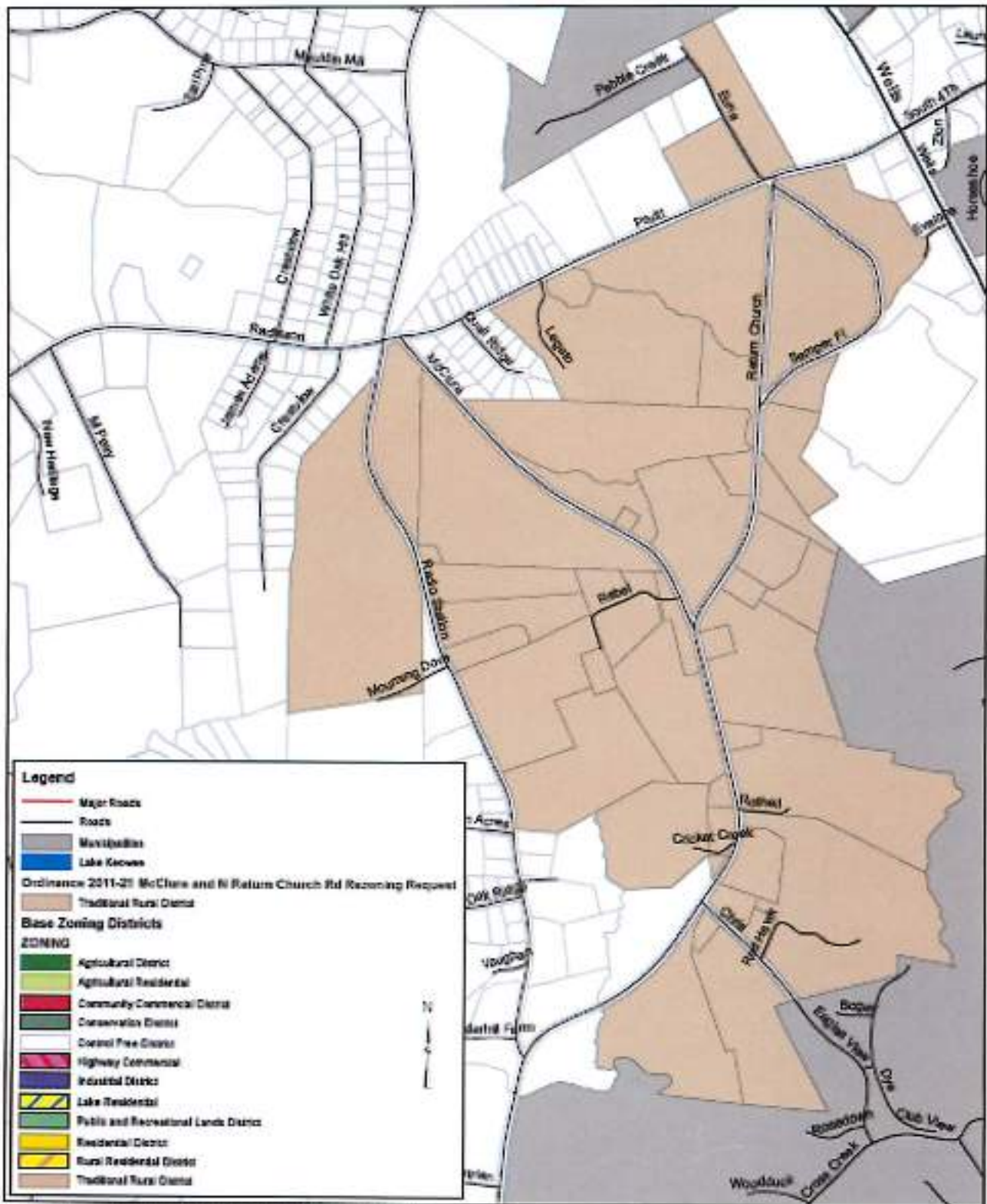
Scott Moulder

Scott Moulder, County Administrator

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

Proposed Ordinance #2011-21 McClure and N Return Church Road Request (As Petitioned)



submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

First Reading (In Caption Only) of Ordinance 2011-22: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-22 stems from a citizen-initiated rezoning request submitted by Ms. Holly McPheeters. The request consists of 224 parcels in area of Edgewater, Riverlake, Tugaloo Heights, and The Gates Subdivisions and the general areas surrounding the subdivisions. Currently the parcels are in the Control Free District. The parcels are located in residential area on the Future Land Use Map. As submitted all parcels would be rezoned into the Lake Residential District. Petitions containing the signatures at least 51% of the owners of the parcels in the request area were submitted in support of the proposal.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take First Reading (In Caption Only) of Ordinance 2011-22, and refer the matter to the Planning Commission for the required review.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No
If yes, who is matching and how much: N/A

ATTACHMENTS

Maps of rezoning proposal as submitted, and the request's location on the Future Land Use Map

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Ann J. Cobby

Department Head/Elected Official

Approved for Submittal to Council:

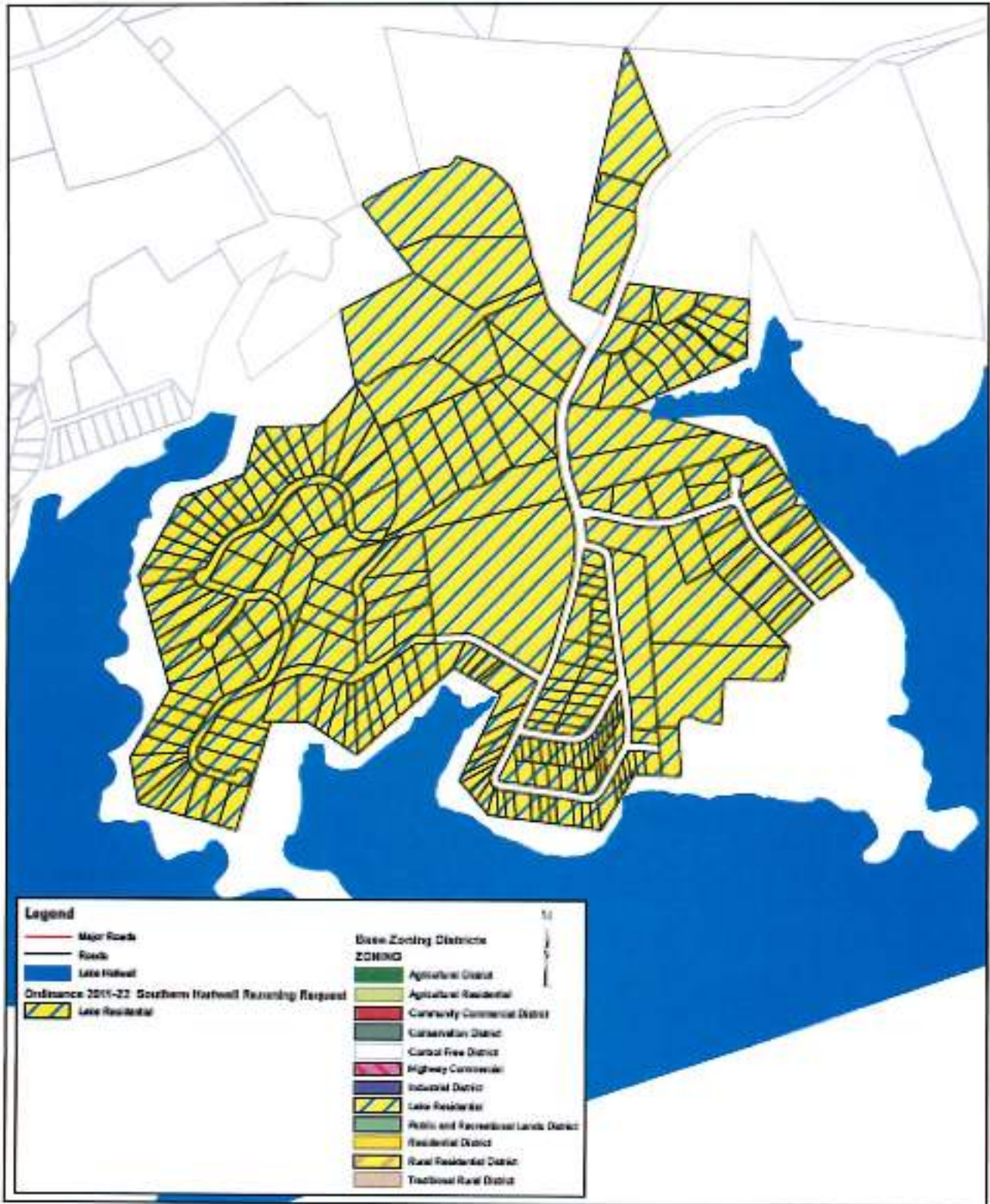
Scott Moulder

Scott Moulder, County Administrator

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

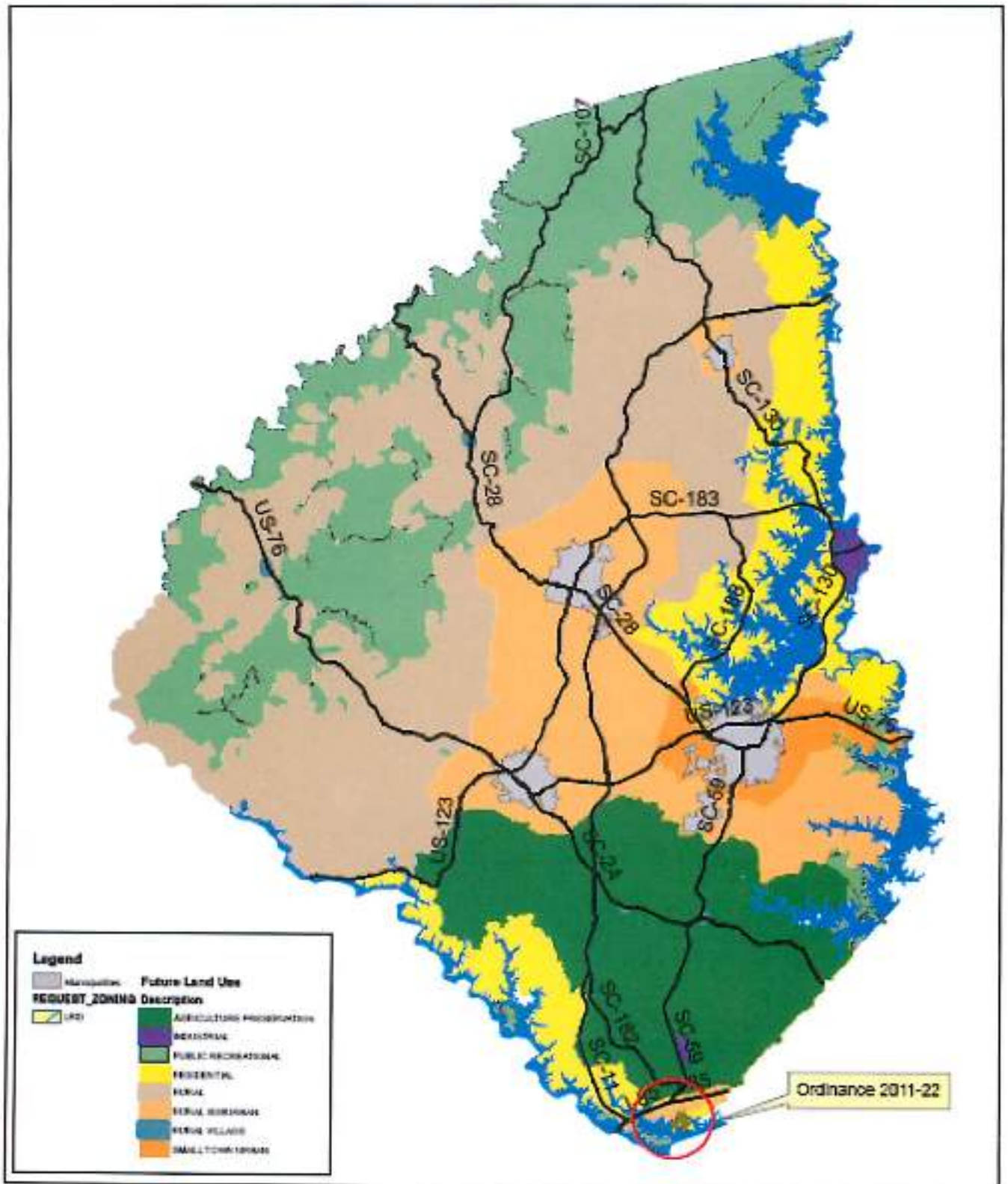
Proposed Ordinance #2011-22 Southern Hartwell Request (As Petitioned)



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

Ordinance 2011-22 Southern Hartwell Rezoning Proposal (as submitted) Future Land Use Map Location



submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.
A calendar with due dates marked may be obtained from the Clerk to Council.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

First Reading (In Caption Only) of Ordinance 2011-23: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-23 stems from a citizen-initiated rezoning request submitted by Mr. Jim Codner. The request consists of 1094 parcels, approximately 1250 acres, in area of Cane Creek and Lake Keowee. Currently the parcels are in the Control Free District. The parcels are located predominately in residential area and with a small portion in the rural suburban area on the Future Land Use Map. As petitioned 10 parcels would be rezoned into the traditional rural district, 4 parcels would be rezoned into the residential district, 3 parcels would be rezoned into the public and recreational lands district, and 1,077 parcels would be rezoned into the lake residential district. Petitions containing the signatures at least 51% of the owners of the parcels in the request area were submitted in support of the proposal.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take First Reading (In Caption Only) of Ordinance 2011-23, and refer the matter to the Planning Commission for the required review.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No
If yes, who is matching and how much: N/A

ATTACHMENTS

Maps of rezoning proposal as submitted, and the request's location on the Future Land Use Map

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Ann F. Gaby

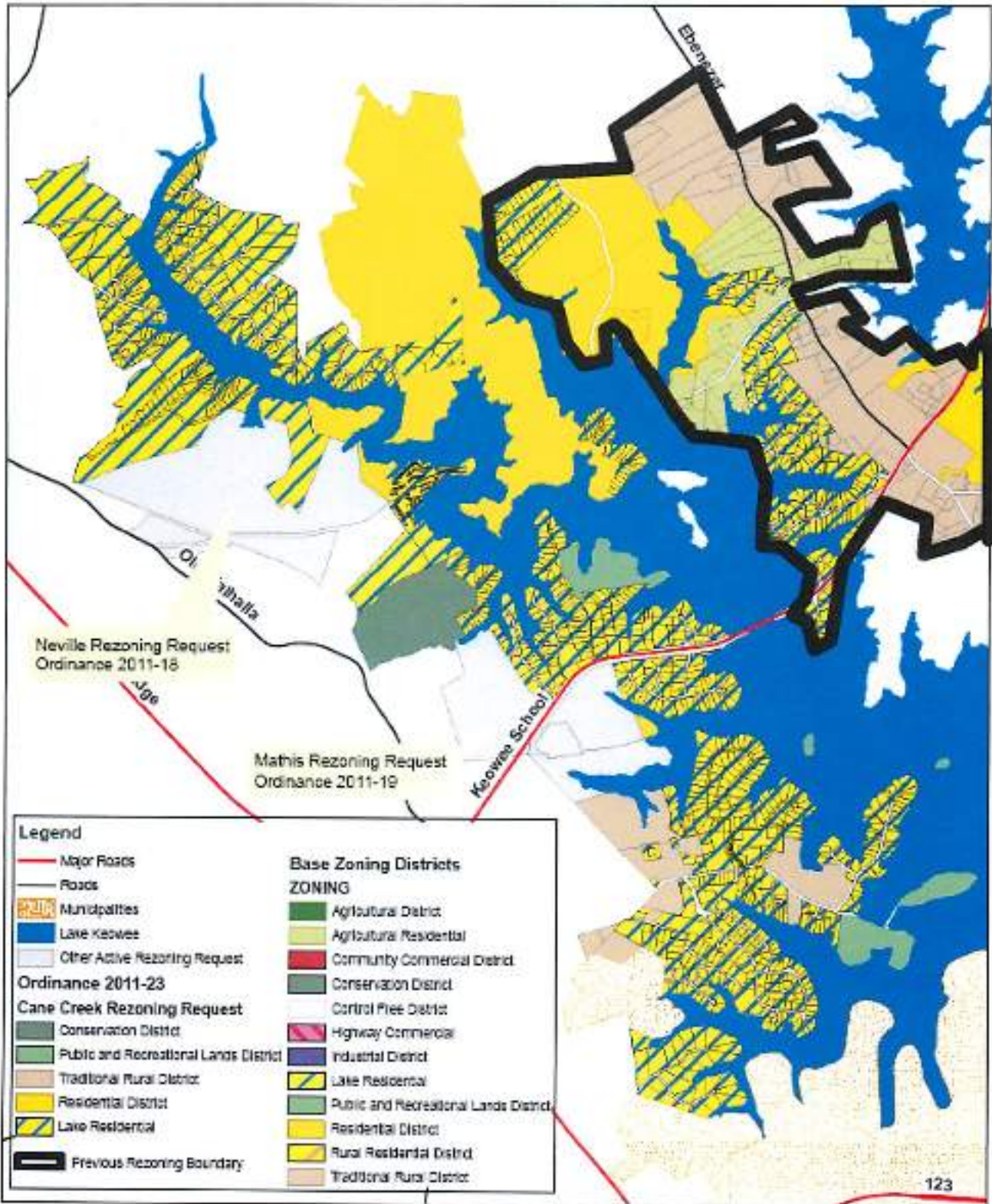
Approved for Submittal to Council:

[Signature]

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

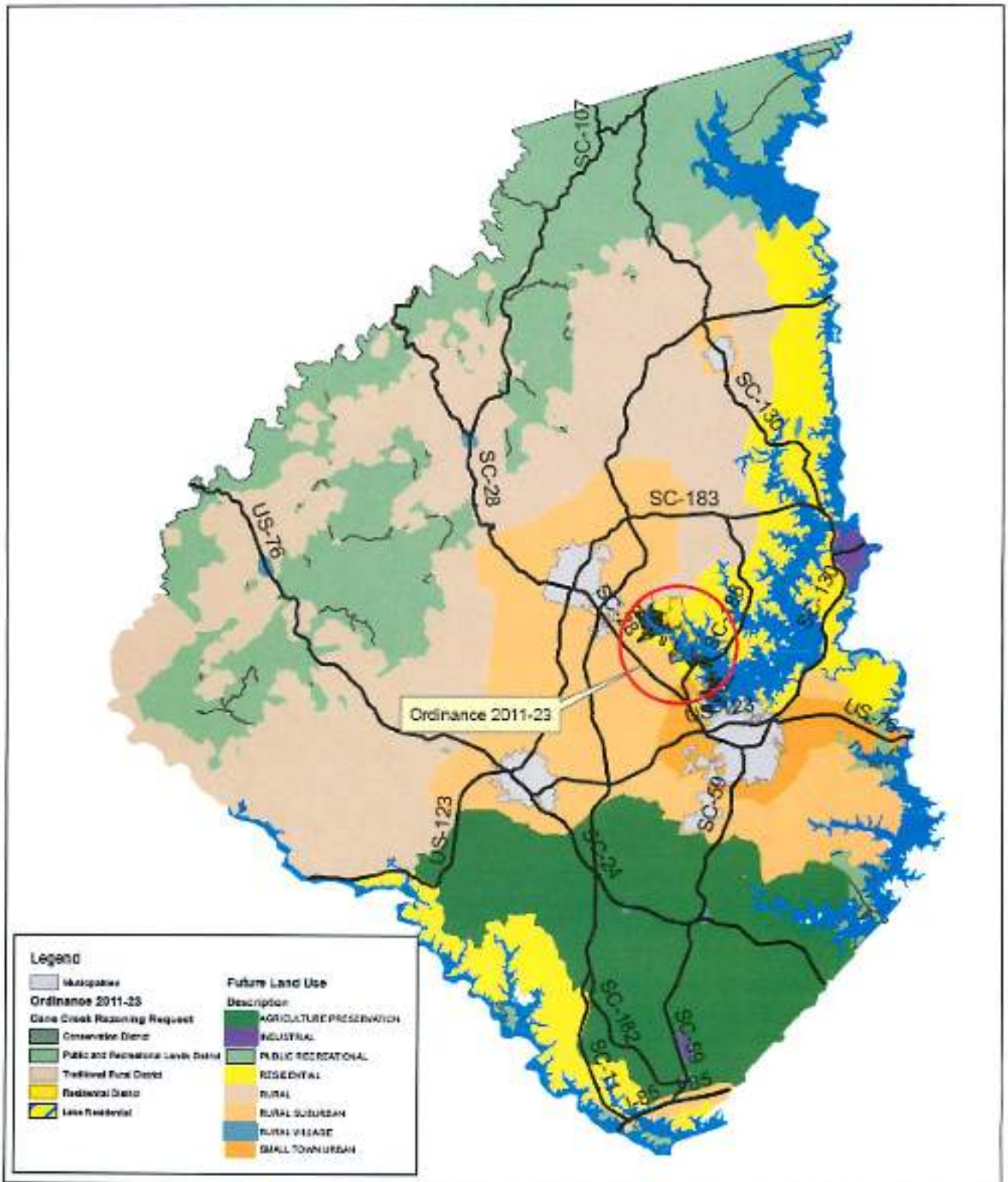
A calendar with due dates marked may be obtained from the Clerk to Council.

**Proposed Ordinance #2011-23
 Cane Creek Request (As Petitioned)**



submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda. A calendar with due dates marked may be obtained from the Clerk to Council.

Ordinance 2011-23 Cane Creek Rezoning Proposal (as submitted) Future Land Use Map Location



submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

First Reading (In Caption Only) of Ordinance 2011-24: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-24 stems from a citizen-initiated rezoning request submitted by Mr. Stan Barber. The request consists of 16 parcels, approximately 238 acres, near Willow Lane, west of Walhalla. Currently the parcels are in the Control Free District. The parcels are located predominately in the rural suburban area and rural area on the Future Land Use Map. As petitioned 15 parcels would be rezoned into the agricultural district and 1 parcel would be rezoned into the traditional rural district. Petitions containing the signatures at least 51% of the owners of the parcels in the request area were submitted in support of the proposal.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take First Reading (In Caption Only) of Ordinance 2011-24, and refer the matter to the Planning Commission for the required review.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No
If yes, who is matching and how much: N/A

ATTACHMENTS

Maps of rezoning proposal as submitted, and the request's location on the Future Land Use Map

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Ann J. Cobble

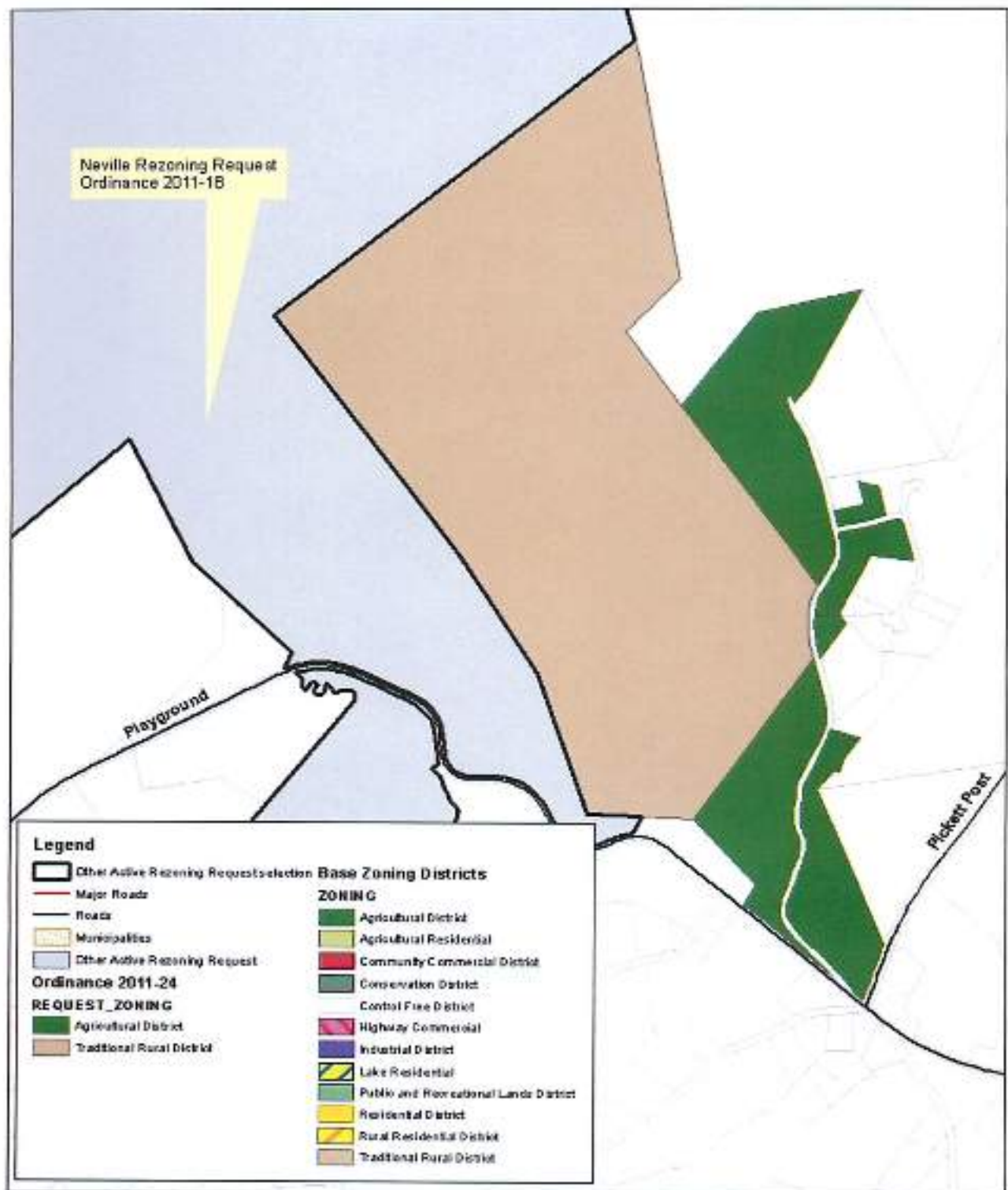
Department Head/Elected Official

Approved for Submittal to Council:

Scott Moulder

Scott Moulder, County Administrator

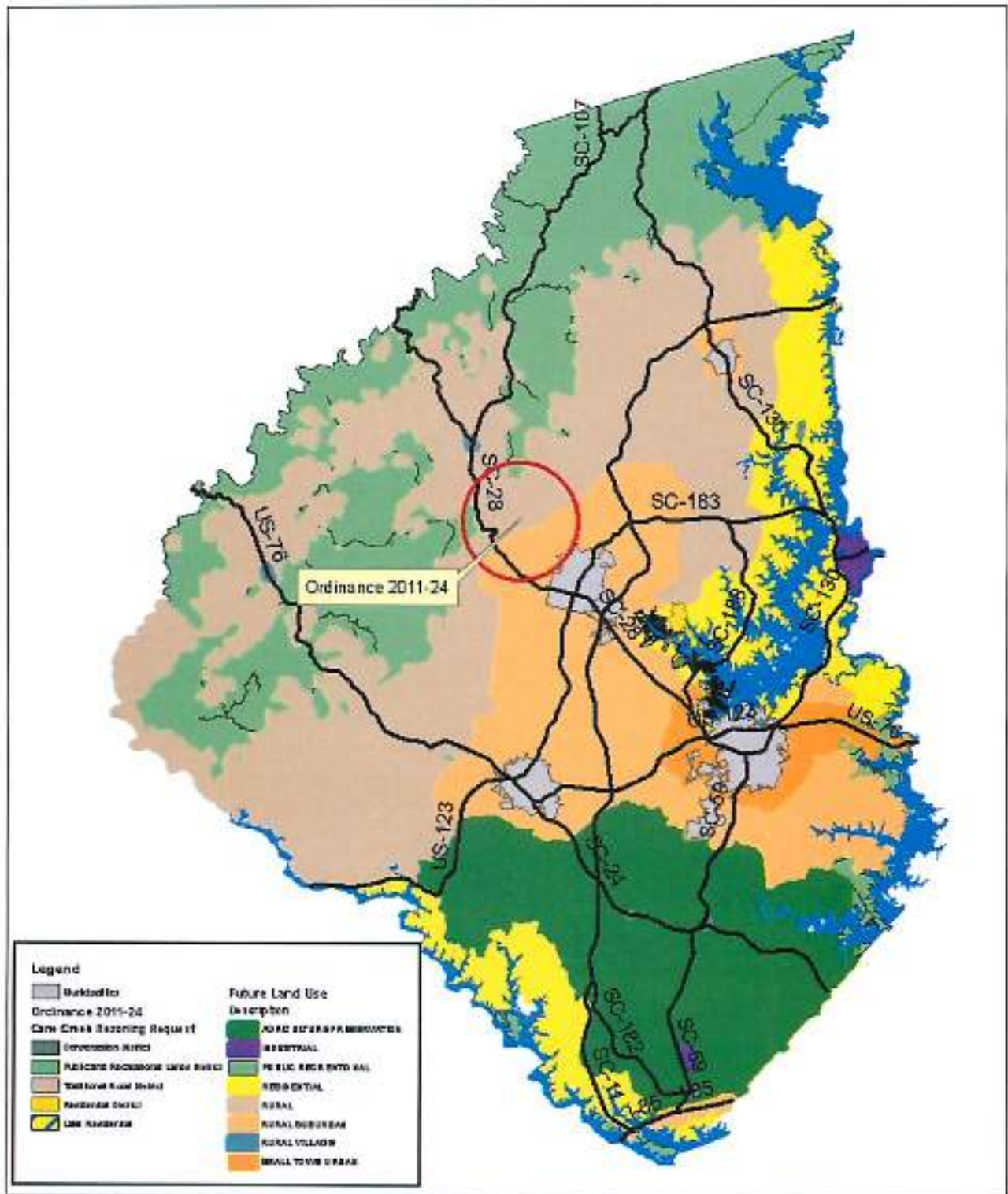
Proposed Ordinance #2011-24 Willow Lane Request (As Petitioned)



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

Ordinance 2011-24 Willow Lane Rezoning Proposal (as submitted) Future Land Use Map Location



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011

COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

First Reading (In Caption Only) of Ordinance 2011-25: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-25 stems from instructions by the Planning and Economic Development Committee of County Council in a meeting held on July 21, 2011. Staff was instructed to prepare and submit the appropriate documents for a Council Initiated Rezoning of public and recreational lands, including Federal, State, and County owned properties into the Public and Recreational Land District.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]

If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take First Reading (In Caption Only) of Ordinance 2011-25, and refer the matter to the Planning Commission for the required review.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No

If yes, who is matching and how much: N/A

ATTACHMENTS

Rezoning Map showing all properties included for rezoning in ordinance 2011-25

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Grants

_____ Procurement

Submitted or Prepared By:

Ann J. Cobby

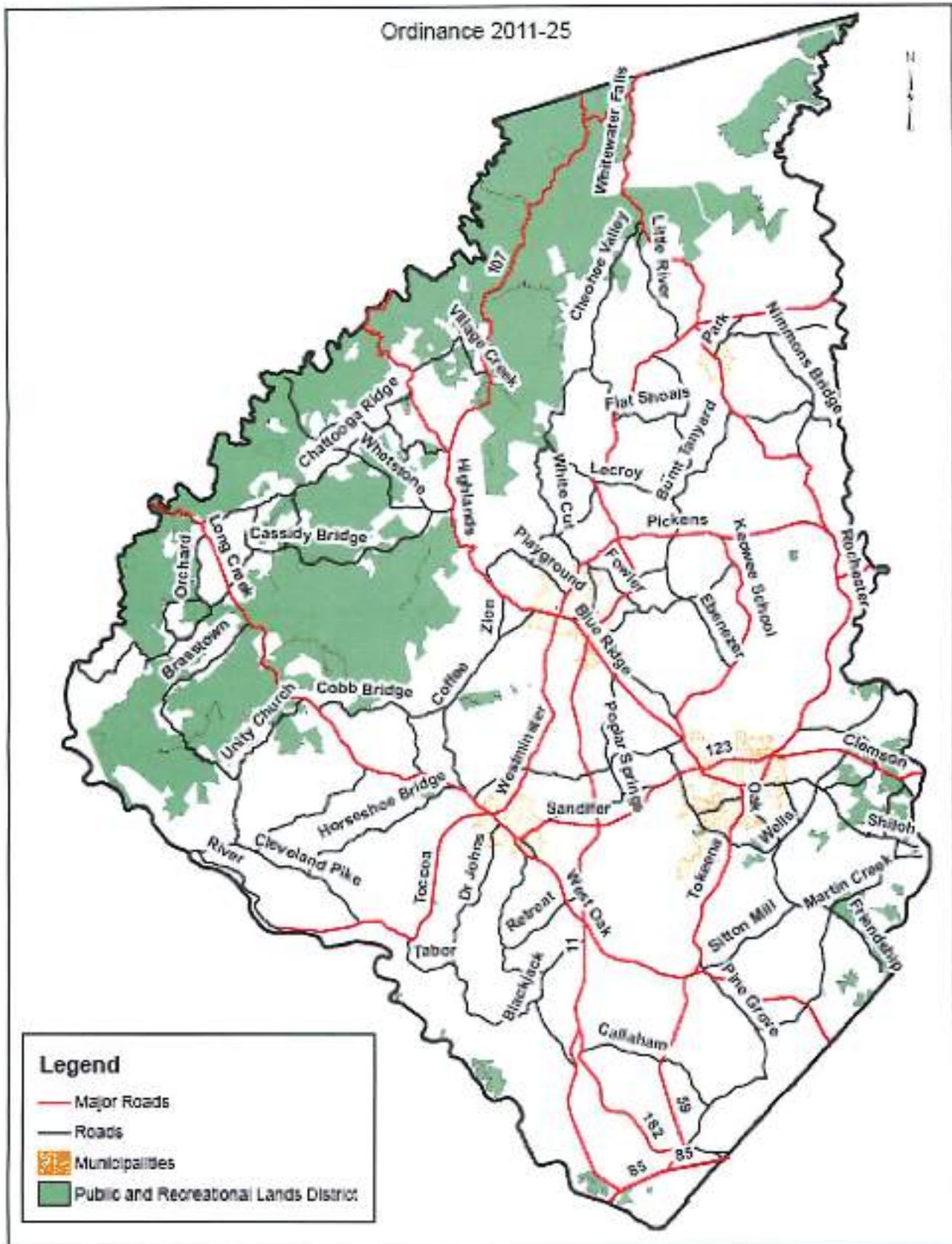
_____ Department Head/Elected Official

Approved for Submittal to Council:

[Signature]

_____ Scott Moulder, County Administrator

Proposed Ordinance #2011-25



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2011-28**

**AN ORDINANCE TO ADOPT A REDISTRICTING PLAN FOR
OCONEE COUNTY, SOUTH CAROLINA; AND OTHER MATTERS
RELATED THERETO**

WHEREAS, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council (the "County Council"), in compliance with the United States Constitution, the Constitution of the State of South Carolina, Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended, and the United States Voting Rights Act of 1965, as amended (collectively, the "Law"), has determined to realign the electoral districts for the election of members of County Council following, pursuant to, and in accordance with the Federal Decennial Census of 2010 ("2010 U.S. Census") and the Law; and,

WHEREAS, there presently exists five single member districts ("Election Districts") for the election of County Council members in the County; and,

WHEREAS, this ordinance is for the purpose of defining the district boundaries of the Election Districts to meet the requirements of, and in accordance with, the Law; and,

WHEREAS, the re-defining of the election district boundaries for redistricting purposes is based upon the 2010 U.S. Census in order that the population of such Election Districts shall comply with the requirements set forth in the United States Voting Rights Act of 1965, as amended; and,

WHEREAS, the pertinent demographic data in reference to the Election Districts, from such 2010 U.S. Census, is attached to this ordinance as Exhibit A, and is incorporated herein by reference as if fully set forth verbatim herein; and,

WHEREAS, the County, acting by and through its County Council, has heretofore adopted the criteria that it has elected to use, in accordance with the Law, as set out explicitly in Oconee County Resolution R2011-XX; and,

WHEREAS, a map depicting the redistricting of the Election Districts, as determined by County Council, in accordance with the law, utilizing the criteria set out in Resolution R2011-XX, and utilizing the services and assistance of the South Carolina State Demographer, Mr. Bobby Bowers, is attached to this ordinance as Exhibit B, and is incorporated herein by reference as if fully set forth verbatim herein; and,

WHEREAS, County Council desires to authorize and direct the Oconee County Administrator to take such administrative actions and to promulgate and execute such procedures and policies as may be necessary or desirable to carry into effect and implement the redistricted Election Districts provided for and adopted in this Ordinance, including the elections required thereby, and in accord with the Law and any directions, suggestions or objections of the Civil Rights Division, U. S. Department of Justice, after submittal to it of this Ordinance.

NOW, THEREFORE, it is hereby ordained by County Council, in meeting duly assembled, that:

1. The five single member Election Districts for the election of County Council members in Oconee County are hereby redistricted as depicted on the map of the County attached to this Ordinance as Exhibit B.

2. The County Administrator is authorized and directed to take all such administrative actions to promulgate and execute such procedures and policies as may be necessary or desirable to carry into effect and implement the redistricted election districts provided for and adopted in this Ordinance, including the elections required thereby, and in accord with the Law and any directions, suggestions or objections of the Civil Rights Division, U. S. Department of Justice, after submittal to it of this Ordinance.
3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
4. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
5. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this ____ day of _____, 2011.

OCONEE COUNTY, SOUTH CAROLINA

Joel Thrift, Chairman
Oconee County Council

ATTEST

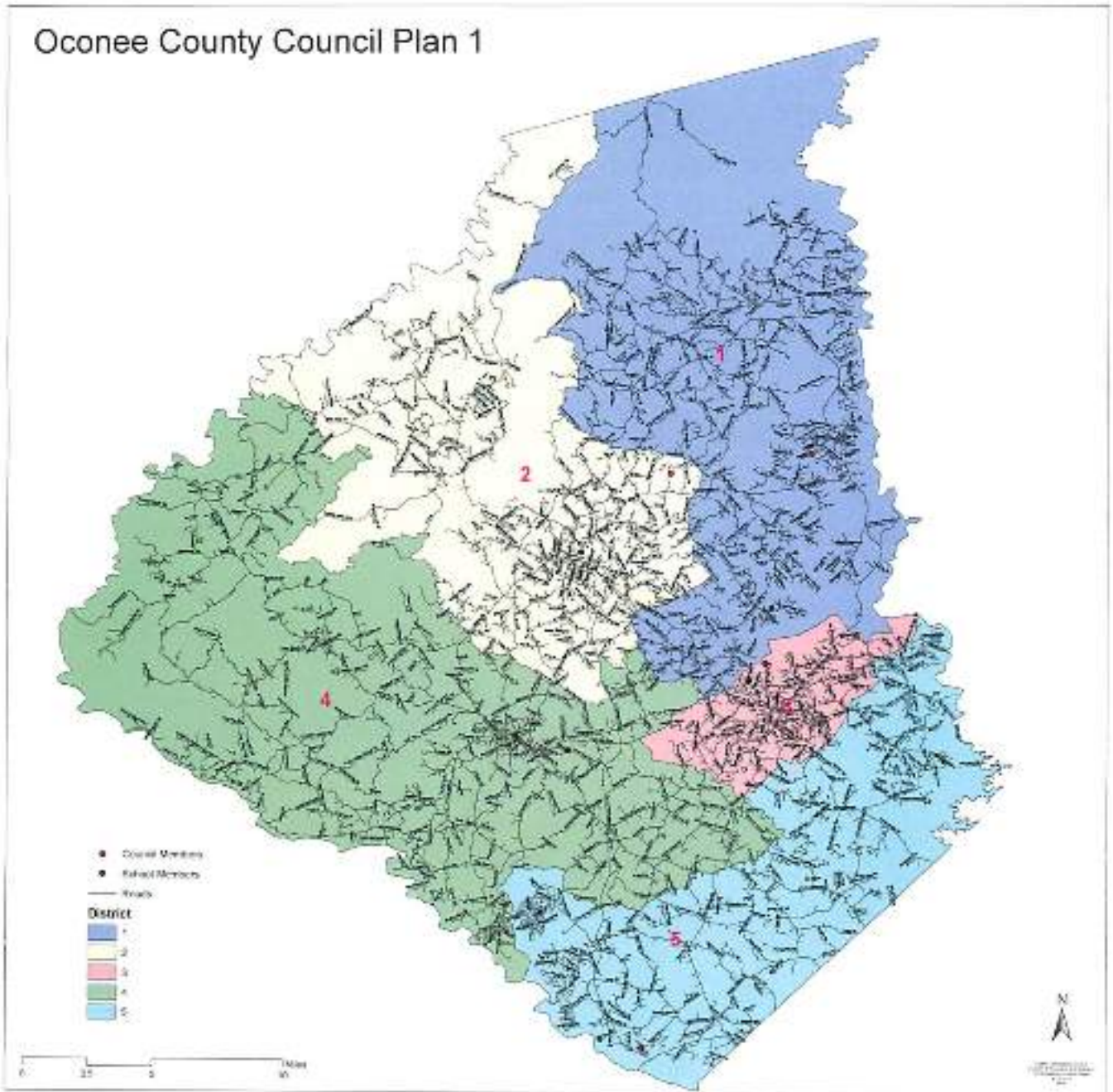
Elizabeth G. Hulse
Clerk to County Council

First Reading: September 6, 2011
Second Reading: September 20, 2011
Public Hearing: October 4, 2011
Third Reading: _____, 2011

Oconee County Council Plan 1 Statistics

District	Pop	Dev.	%Dev.	NH_Whit	NH_Blak	%NH_Blak	VAP	NHWVAP	NHBVAP	%NHBVAP	All Oth	AllOthVAP
1	14,565	-290	-1.95%	13,928	241	1.65%	12,343	11,899	165	1.34%	396	279
2	14,714	-141	-0.95%	12,423	475	3.23%	11,144	9,749	317	2.84%	1,816	1,078
3	15,151	296	1.99%	10,595	3,570	23.56%	11,853	8,707	2,506	21.14%	986	640
4	14,933	78	0.53%	13,563	707	4.73%	11,416	10,498	499	4.37%	663	419
5	14,910	55	0.37%	13,298	1,022	6.85%	11,810	10,714	704	5.96%	590	392
TOTAL	74,273			63,807	6,015	8.10%	58,566	51,567	4,191	7.16%	4,451	2,808

Oconee County Council Plan 1



**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

First Reading (In Caption Only) of Ordinance 2011-29: "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

BACKGROUND OR HISTORY:

The proposed Ordinance 2011-29 stems from instructions by the Planning and Economic Development Committee of County Council in a meeting held on July 21, 2011. Staff was instructed to prepare and submit the appropriate documents for a Council Initiated Rezoning of the county owned industrial parks.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: N/A

STAFF RECOMMENDATION:

Take First Reading (In Caption Only) of Ordinance 2011-29, and refer the matter to the Planning Commission for the required review.

FINANCIAL IMPACT:

None Anticipated

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No
If yes, who is matching and how much: N/A

ATTACHMENTS

Rezoning Map showing all properties included for rezoning in ordinance 2011-29

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Ann J. Cobby

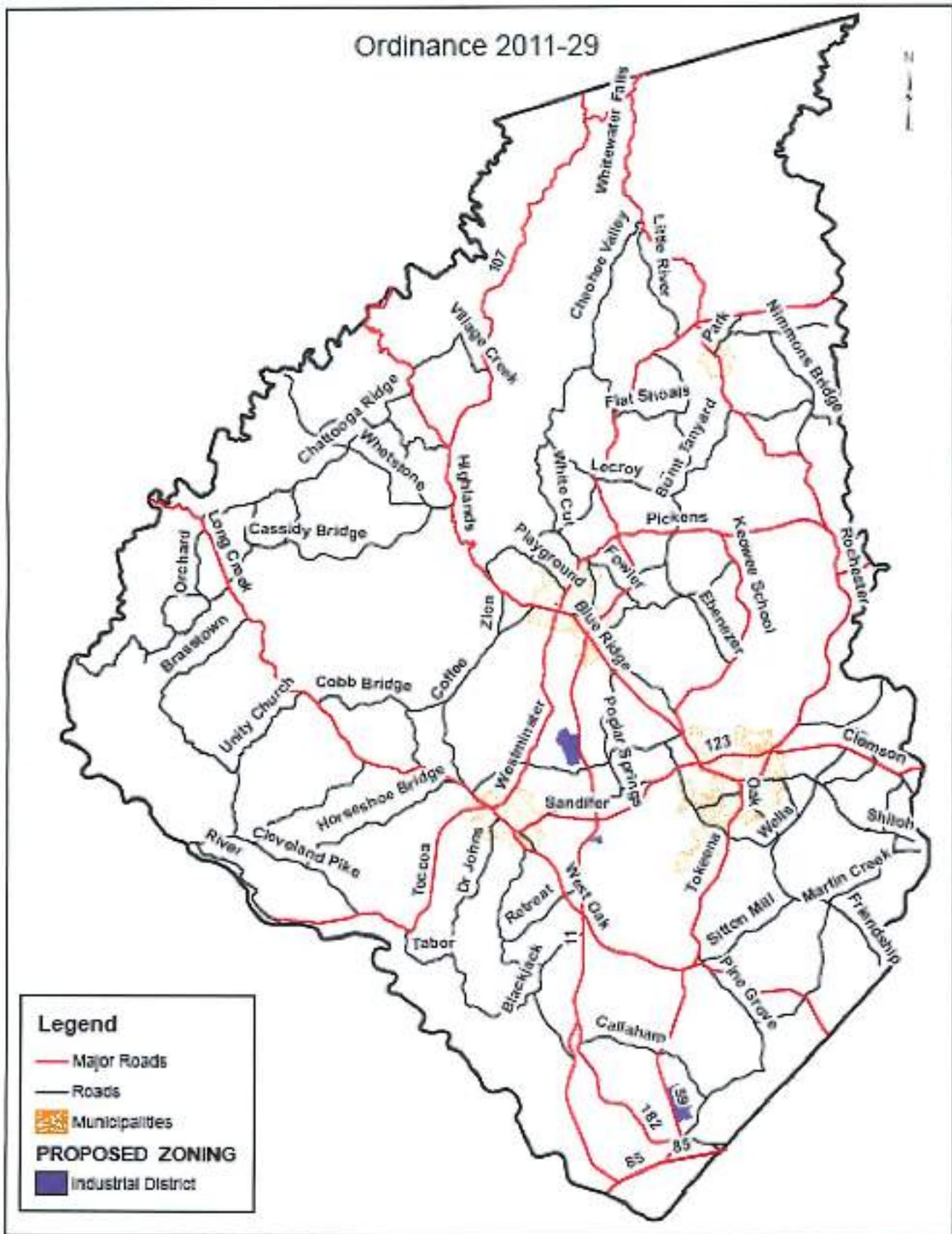
Department Head/Elected Official

Approved for Submittal to Council:



Scott Moulder, County Administrator

Proposed Ordinance #2011-29



Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE:

Bid #11-06, Tires for Heavy Equipment for Vehicle Maintenance and Rock Quarry - Award bid #11-06 to Miller Brothers Giant Tire Service, Inc., of Irmo, SC, for the estimated amount of \$213,505.20, for a period of one year with the option to renew for four additional one-year periods. Additionally, staff recommends that Council authorize the County Administrator to renew the bid for up to four one-year periods, provided their work is satisfactory.

BACKGROUND DESCRIPTION:

The Rock Quarry purchases tires for five (5) loaders, six (6) off-road trucks, one (1) hydraulic forklift and one (1) motor grader. Tires for vehicle maintenance will be for a John Deere pan and a Clark loader used by the Road Department. Bid totals were calculated using estimated quantities of the tires that may be required. Actual quantities ordered will vary depending upon the County's needs.

On August 16, 2011, formal sealed bids were opened for tires for heavy equipment. Four companies were originally notified of this bid opportunity. Three companies submitted bids, with Miller Brothers Giant Tire Service, Inc., of Irmo, SC submitting the lowest bid of \$213,505.20.

SPECIAL CONSIDERATIONS OR CONCERNS:

Vendor must provide and maintain Mine Safety Health Association certification for every employee who will supply service(s) on mine property throughout duration of bid #11-06.

FINANCIAL IMPACT:

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by :  **Finance**

ATTACHMENTS:

1. Bid Tab

STAFF RECOMMENDATION:

Award bid #11-06 to Miller Brothers Giant Tire Service, Inc., of Irmo, SC, for the estimated amount of \$213,505.20, for a period of one year with the option to renew for four additional one-year periods. Additionally, staff recommends that Council authorize the County Administrator to renew the bid for up to four one-year periods, provided their work is satisfactory.

Submitted or Prepared By:


Department Head/Elected Official

Approved for Submittal to Council:


T. Scott Moulder, County Administrator

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A calendar with due dates marked may be obtained from the Clerk to Council.

Budget Code: 010-001-00040-71725
010-719-80719-00000

I hereby certify that to the best of my knowledge this tabulation of bids to be correct.

Robert Conroy
Procurement Director

Bidders						GCR Tire Center		Interstate Tire Service		Miller Brothers Giant Tire	
Address						Piedmont, SC		Pelzer, SC		Irmo, SC	
Item #	Approx Qty	Size	PI y	Tread		Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
A	2	1600 x 25	24	E-4	New	\$1,675.00	\$3,350.00	\$1,800.00	\$3,600.00	\$450.00	\$900.00
B	2	1600 x 25	24	E-4	Recap	\$1,237.50	\$2,475.00	\$1,102.80	\$2,205.60	\$350.00	\$700.00
C	4	17.5 x 25	16	E-4	Recap	\$1,060.00	\$4,240.00	\$867.60	\$3,470.40	\$300.00	\$1,200.00
D	2	1800R25	22	L-3	New	\$3,208.66	\$6,417.32	\$4,429.06	\$8,858.12	\$2,850.00	\$5,700.00
E	4	1800R25	22	L-3	Recap	\$1,060.00	\$4,240.00	\$1,070.40	\$4,281.60	\$1,650.00	\$6,600.00
F	6	1800R33	22	L-3	New	\$4,503.00	\$27,018.00	\$4,693.86	\$28,163.16	\$4,300.00	\$25,800.00
G	8	1800R33	22	L-3	Recap	\$1,736.25	\$13,890.00	\$1,723.20	\$13,785.60	\$1,900.00	\$15,200.00
H	4	26.5 x 25	26	L-4	New	\$2,760.75	\$11,043.00	\$3,007.23	\$12,028.92	\$3,125.00	\$12,500.00
I	4	26.5R25	26	L-3	New	\$4,150.00	\$16,600.00	\$3,780.00	\$15,120.00	\$4,000.00	\$16,000.00
J	4	26.5R25	26	L-3	Recap	\$2,353.75	\$9,415.00	\$1,978.80	\$7,915.20	\$2,460.00	\$9,840.00
	2	26.5 x 25	26	L-4	Recap	\$2,670.00	\$5,340.00	\$2,556.00	\$5,112.00	\$2,500.00	\$5,000.00
L	4	29.5 x 25	22	L-4	New	\$3,747.49	\$14,989.96	\$3,840.00	\$15,360.00	\$3,100.00	\$12,400.00
M	4	29.5 x 25	28	L-4	New	\$4,189.00	\$16,756.00	\$3,840.00	\$15,360.00	\$4,300.00	\$17,200.00
N	4	29.5 x 25	22	L-4	Recap	\$3,123.75	\$12,495.00	\$3,669.60	\$14,678.40	\$3,000.00	\$12,000.00
O	4	29.5 x 25	28	L-4	Recap	\$3,123.75	\$12,495.00	\$3,669.60	\$14,678.40	\$3,540.00	\$14,160.00
P	4	65 x 35 x 33	26	E-4	New	\$6,770.00	\$27,080.00	\$8,520.00	\$34,080.00	\$6,795.00	\$27,180.00
Q	4	65 x 35 x 33	26	E-4	Recap	\$4,297.50	\$17,190.00	\$5,239.20	\$20,956.80	\$4,510.00	\$18,040.00
R	2	20.5x25	26	L-4	Recap	\$1,510.00	\$3,020.00	\$1,425.60	\$2,851.20	\$500.00	\$1,000.00
S		Road Service Call during business hrs				\$100.00		\$150.00		\$90.00	
T		Road Service Call other than regular hrs				\$145.00		\$225.00		\$105.00	

Bidders		GCR Tire Center	Interstate Tire Service	Miller Brothers Giant Tire
Repairs				
	Large Section: Reapair 9x10 20 inch repair	\$106.25 - \$933.75	\$898.70	\$100.00 - \$1225.00
V	Spot Repair: 2 to 6 inch circle repair	\$37.50 - \$368.75	\$282.70	\$25.00 - \$250.00
W	Reinforcement: Internal Repair (hole all the way through)	\$66.25 - \$583.75	\$898.70	\$50.00 - \$400.00
X	Tire Life: Compound to keep tires from dry rotting and save tire head and rust inhibitor	\$20.00 per gallon	28.00 per gallon	\$35.00 per gallon
Y	Other:	O-Ring \$20.00 each		
Z	Loaner tire available for the following sizes:	None	All	All
AA	Charge for loaner tire (if applicable) (incl mount & dismount)	N/A	88.00 per week	No Cost
BB	Charge for dismount & mount	\$90.00	35.00 per tire	\$95.00
Warranty				
CC	New	5 yr (from date of Manufacture) Manufacturer Warranty	30 days	3 yr Manufacturer Warranty
DD	Recap	No warranty after 10% tread wear	30 days	First 50% of tread wear - No Charge for replacement tire
	Spot Repairs	6 Months	30 days	1 year after installation
	Large Section Repairs	6 Months	30 days	1 year after installation
	Reinforcements	6 Months	30 days	1 year after installation
MSHA				
	Number of MSHA Certified Employees	4	1	20 in SC 9 in NC
	MSHA ID#	JHR	A3507	ZJC
	All vehicles that will be on Oconee County Property meet all MSHA standards (Yes or NO)	Yes	Yes	Yes
DELIVERY				
		24 hours pending Manufacturer back orders	2 hours	24 hours
Subtotal		\$208,054.28	\$222,505.40	\$201,420.00
SC Sales Tax (6%)		\$13,350.32	\$12,085.20	\$12,085.20
TOTAL		\$221,404.60	\$234,590.60	\$213,505.20

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: Sept. 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE [Brief Statement]:

Formal presentation of proposed Oconee County Millage for Tax Year 2011

BACKGROUND DESCRIPTION:

Millage approval required to fund FY 2012 for 1) Oconee County and The School District of Oconee County operational budgets to include Tri-County Tec and other such special projects such as Economic Development and Bridges and Culverts 2) and bond payments for the County and SDOC.

SPECIAL CONSIDERATIONS OR CONCERNS [only if applicable]:

N/A

FINANCIAL IMPACT [Brief Statement]:

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by : _____ Finance

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No

If yes, who is matching and how much:

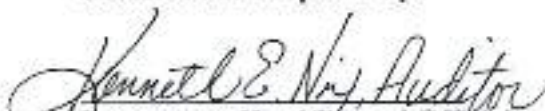
Approved by : _____ Grants

ATTACHMENTS

STAFF RECOMMENDATION [Brief Statement]:

Millage is set in September to provide tax calculations for timely processing of tax notices beginning in October as set forth by SC Department of Revenue.

Submitted or Prepared By:


Kennel E. Nix, Auditor
Department Head/Elected Official

Approved for Submittal to Council:


T. Scott Moulder, County Administrator

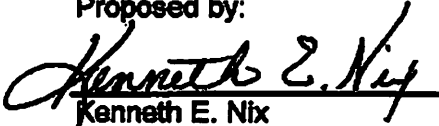
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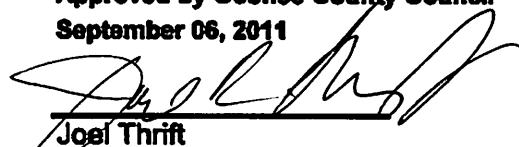
**Oconee County, South Carolina
Approved Millage Rates for fiscal Year 2011-2012**


	Incorporated Mills	Unincorporated Mills
i. County		
County Operations	58.9	58.9
Fire -unincorporated	N/A	2.9
Economic Development	1.0	1.0
Bridges/Culverts	1.0	1.0
County Refunding Bond	2.6	2.6
County Detention Center	3.4	3.4
Tri County Operations	2.1	2.1
Total County	<u>69.0</u>	<u>71.9</u>
ii. School		
School Operations	<u>101.4</u>	<u>101.4</u>
School Bonds:		
2003 Refunding	3.8	3.8
2004 Refunding	2.6	2.6
2006 School	2.1	2.1
2007 School	2.6	2.6
2009 A School	1.0	1.0
2009 B/98 School	0.8	0.8
2009 C School	2.3	2.3
2010 School	1.7	1.7
2011 School	14.1	14.1
Total School Bonds	<u>31.0</u>	<u>31.0</u>
Total School	<u>132.4</u>	<u>132.4</u>
Grand Total Mills	<u>201.4</u>	<u>204.3</u>

Proposed by:


Kenneth E. Nix
Oconee County Auditor

Approved by Oconee County Council
September 06, 2011


Joel Thrift
Oconee County Council Chairman



Oconee County
Auditor


Kenneth E. Nix
Auditor

Oconee County Tax Center
415 South Pine Street
Walhalla, SC 29691

Phone: 864-638-1161
Fax: 864-716-1015
E-mail:
knix@oconeesc.com

Memorandum

To: Oconee County Council Members

From: Kenneth E. Nix, Auditor 

CC: Scott Moulder, Administrator

Date: September 06, 2011

Re: 2011/2012 Tax Levies

Pursuant to Oconee County Ordinance 2011-01 (an ordinance to establish the budget for Oconee County and to provide for the levy of taxes for ordinary county purposes), Oconee County Ordinance 2011-02 (an ordinance to establish the budget for the School District of Oconee County) and Oconee County Ordinance 2011-03 (an ordinance to provide for the levy of taxes for the Keowee Fire Special Tax District) for the fiscal year beginning July 1, 2011 and ending June 30, 2012, I submit, on the following enclosures, recommendations for millage to cover the required expenditures.

Also in accordance with SC Code Sections 4-15-150 and 59-71-150, and on the following enclosures, I recommend the appropriate millage to cover bond payments as well as funding bond repayment sinking funds as required by debt covenants. As directed, the balance of such fund(s) shall never exceed the total amount necessary to reasonably meet eighteen months of expected debt service requirement.

In conclusion, please be advised that calculations of the assessed values of properties of Oconee County are based upon the most recent data obtainable and the millage is hereby proposed on assumptions made by the Auditor based upon historical trends as well as current economic conditions. Data is supplied by the Oconee County Assessor, Auditor, Treasurer and from the SC Department of Revenue. Assessed values are constantly changing due to appeals, amendments and changes of residency, therefore conservative estimates are made to adequately meet the budgetary needs of Oconee County. Shortfalls in the assessed values could lead to shortfalls in taxes collected thus requiring budget restraints. In a year of reassessment, real property is subject to increased levels of appeals. Our estimates are conservative but the uncertainty of the market leads to an increased concern of the Auditor.

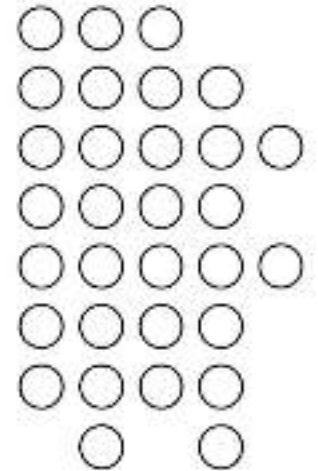


Oconee County Proposed Millage TY 2011

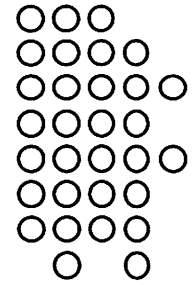


Ken Nix

Oconee County Auditor

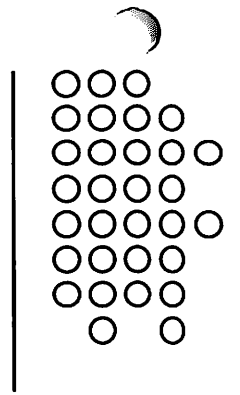


IN A YEAR OF REASSESSMENT



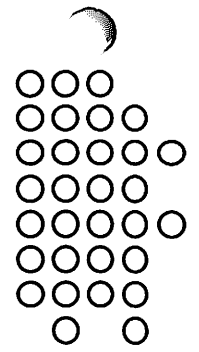
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APPROVAL



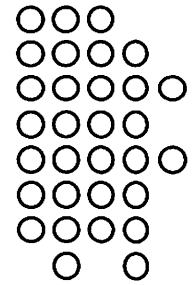
- OPERATING MILLAGE – COUNTY COUNCIL
- BONDS – AUDITOR

ASSESSED VALUE ISSUES



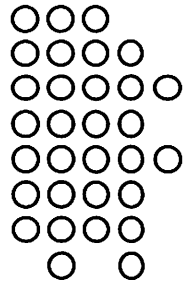
- Department of Revenue 34%
- Oconee County Auditor 6%
- Oconee County Assessor 60%

ROLLBACK MILLAGE



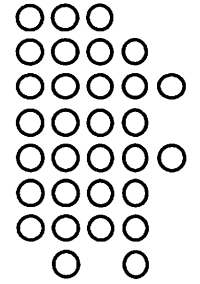
- Rollback millage is calculated by dividing the prior year property taxes levied by the adjusted total assessed value applicable in the year of reassessment.
- This figure can be adjusted by the current and prior three years of growth and CPI if not previously used.
- Rollback not using previous three years = 178.7 (Operational Budgets Only)
- We have rolled back beyond that to 167.3

TAX YEAR 2011 MILLAGE



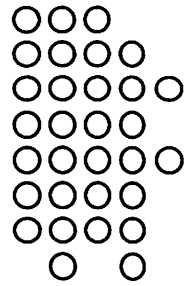
- 204.3
- Reduction of 3.8 Mills
- Reduction of County Taxes by \$2,062,359

ASSESSED VALUE



- County - \$509,275,981
- SDOC - \$531,575,981

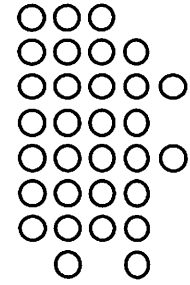
VALUE OF A MILL



● County Millage = \$509,276

● School Millage = \$531,576

PROPOSED MILLAGE RATES FOR FY 2011-2012

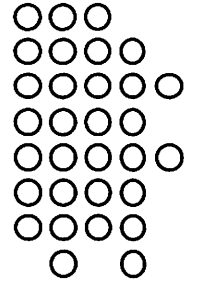


	Incorporated Mills (Inside City Limits)	Unincorporated Mills (Outside City Limits)
I. County		
County Operations	58.9	58.9
Economic Development	1.0	1.0
Bridges/Culverts	1.0	1.0
Fire -Unincorporated	n/a	2.9
County Refunding Bond	2.6	2.6
County Detention Bond	3.4	3.4
Tri-County Tech. College	2.1	2.1
Total County	<u><u>69.0</u></u>	<u><u>71.9</u></u>
II. School		
School Operations	<u><u>101.4</u></u>	<u><u>101.4</u></u>
School Bonds:		
2003 Refunding	3.8	3.8
2004 Refunding	2.6	2.6
2006 School	2.1	2.1
2007 School	2.6	2.6
2009 A School	1.0	1.0
2009 B/ 98 SCHOOL	0.8	0.8
2009 C School	2.3	2.3
2010 SCHOOL	1.7	1.7
2011 SCHOOL	14.1	14.1
TOTAL SCHOOL BONDS	<u><u>31.0</u></u>	<u><u>31.0</u></u>
TOTAL SCHOOL MILLAGE	<u><u>132.4</u></u>	<u><u>132.4</u></u>
Grand Total Mills	<u><u>201.4</u></u>	<u><u>204.3</u></u>

COMPARISON OF MILLAGE RATES – TAX YEARS 2010 TO 2011



I.	COUNTY	TY 2010	TY 2011	Difference
	County Operations	61.1	58.9	(2.2)
	Economic Development	1.0	1.0	0.0
	Bridges/Culverts	1.0	1.0	0.0
	Fire -Unincorporated	2.9	2.9	0.0
	County Refunding Bond	1.9	2.6	0.7
	2011 Detention Center	0.0	3.4	3.4
	Tri-County Tech. College	2.1	2.1	0.0
	TOTAL COUNTY MILLAGE	70.0	71.9	1.9
II.	SDOC OPERATIONS	107.1	101.4	(5.7)
	School Bonds:			
	2003 Refunding	6.9	3.8	(3.1)
	2004 Refunding	3.0	2.6	(0.4)
	2006 School	1.9	2.1	0.2
	2007 School	3.0	2.6	(0.4)
	2009 A School	1.2	1.0	(0.2)
	2009 B/ 98 SCHOOL	0.9	0.8	(0.1)
	2009 C School	2.1	2.3	0.2
	2010 School	10.6	1.7	(8.9)
	2011 School	0.0	14.1	14.1
	Total School Bond Millage	31.0	31.0	0.0
	TOTAL SCHOOL MILLAGE	138.1	132.4	(5.7)
	GRAND TOTAL MILLS	208.1	204.3	(3.8)



REDUCTION IN TAX BASE

\$100,000 VALUE – 2010 VERSUS 2011 TAX



NON-RESIDENTIAL PROPERTY								
Tax Year	Home Value	Non-Residential Ratio	Assessment	Millage	Taxes	Less School Operating Millage	Homestead Exemption	Estimated Tax Due
2010/2011	\$100,000.00	6%	\$ 6,000.00	208.1	\$ 1,248.60	-	-	\$ 1,248.60
2011/2012	\$100,000.00	6%	\$ 6,000.00	204.3	\$ 1,225.80	-	-	\$ 1,225.80
DIFFERENCE (INCREASE (DECREASE) IN TAX)				(3.8)				\$ (22.80)

RESIDENTIAL PROPERTY (NO HOMESTEAD EXEMPTION)								
Tax Year	Home Value	Residential Ratio	Assessment	Millage	Taxes	Less School Operating Millage	Homestead Exemption	Estimated Tax Due
2010/2011	\$100,000.00	4%	\$ 4,000.00	208.1	\$ 832.40	\$ (428.40)	-	\$ 404.00
2011/2012	\$100,000.00	4%	\$ 4,000.00	204.3	\$ 817.20	\$ (405.60)	-	\$ 411.60
DIFFERENCE (INCREASE (DECREASE) IN TAX)				(3.8)			-	\$ 7.60

RESIDENTIAL PROPERTY WITH HOMESTEAD EXEMPTION								
Tax Year	Home Value	Residential Ratio	Assessment	Millage	Taxes	Less School Operating Millage	Homestead Exemption	Estimated Tax Due
2010/2011	\$100,000.00	4%	\$ 4,000.00	208.1	\$ 832.40	\$ (428.40)	\$ (202.00)	\$ 202.00
2011/2012	\$100,000.00	4%	\$ 4,000.00	204.3	\$ 817.20	\$ (405.60)	\$ (205.80)	\$ 205.80
DIFFERENCE (INCREASE (DECREASE) IN TAX)				(3.8)				\$ 3.80

\$250,000 VALUE – 2010 VERSUS 2011 TAX

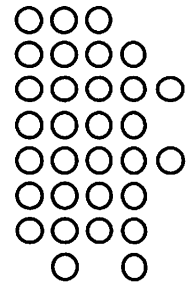


NON-RESIDENTIAL PROPERTY								
Tax Year	Home Value	Non-Residential Ratio	Assessment	Millage	Taxes	Less School Operating Millage	Homestead Exemption	Estimated Tax Due
2010/2011	\$250,000.00	6%	\$ 15,000.00	208.1	\$ 3,121.50	-	-	\$ 3,121.50
2011/2012	\$250,000.00	6%	\$ 15,000.00	204.3	\$ 3,064.50	-	-	\$ 3,064.50
DIFFERENCE (INCREASE (DECREASE) IN TAX)				(3.8)				\$ (57.00)

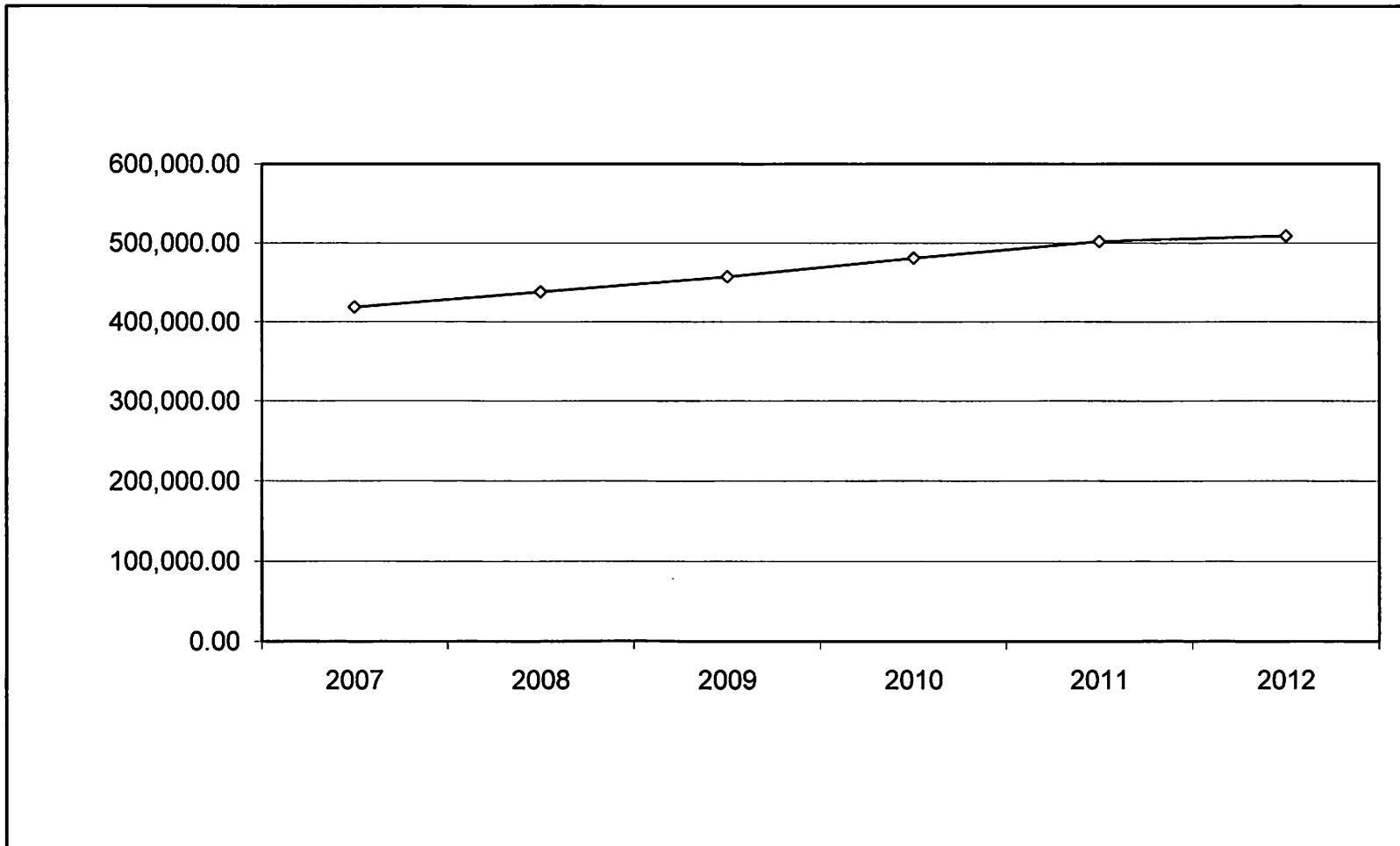
RESIDENTIAL PROPERTY (NO HOMESTEAD EXEMPTION)								
Tax Year	Home Value	Residential Ratio	Assessment	Millage	Taxes	Less School Operating Millage	Homestead Exemption	Estimated Tax Due
2010/2011	\$250,000.00	4%	\$ 10,000.00	208.1	\$ 2,081.00	\$ (1,071.00)	-	\$ 1,010.00
2011/2012	\$250,000.00	4%	\$ 10,000.00	204.3	\$ 2,043.00	\$ (1,014.00)	-	\$ 1,029.00
DIFFERENCE (INCREASE (DECREASE) IN TAX)				(3.8)			-	19.00

RESIDENTIAL PROPERTY WITH HOMESTEAD EXEMPTION								
Tax Year	Home Value	Residential Ratio	Assessment	Millage	Taxes	Less School Operating Millage	Homestead Exemption	Estimated Tax Due
2010/2011	\$250,000.00	4%	\$ 10,000.00	208.1	\$ 2,081.00	\$ (1,071.00)	\$ (202.00)	\$ 808.00
2011/2012	\$250,000.00	4%	\$ 10,000.00	204.3	\$ 2,043.00	\$ (1,014.00)	\$ (205.80)	\$ 823.20
DIFFERENCE (INCREASE (DECREASE) IN TAX)				(3.8)				\$ 15.20

2006-2007 Tax Levy	2007-2008 Tax Levy	2008-2009 Tax Levy	2009-2010 Tax Levy	2010-2011 Tax Levy	2011-2012 Tax Levy
-------------------------------	-------------------------------	-------------------------------	-------------------------------	-------------------------------	-------------------------------



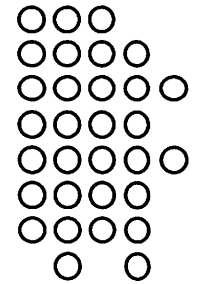
Fiscal Year	2007	2008	2009	2010	2011	2012
Percentage	16.0%	4.4%	4.2%	4.9%	4.2%	1.4%



CITY MILLAGE

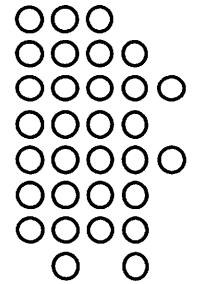
KEOWEE FIRE DISTRICT

9/1/2011



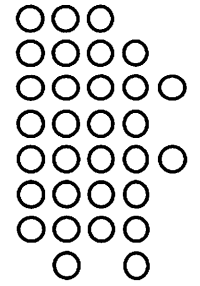
City	2009/2010	2010/2011	2011/2012	2011 Allowable Growth%	2011 Allowable CPI%	2011 Total Allowable %	2011 % Change
Salem	32.4	32.4	TBA	2.27%	1.64%	3.91%	-0-
Seneca	52.3	52.3	52.3	3.45%	1.64%	5.09%	0.00%
Walhalla	84.0	84.0	84.0	21.70%	1.64%	23.34%	0.00%
West Union	41.3	41.3	42.0	-9.03%	1.64%	1.64%	1.69%
Westminster	90.7	90.7	90.7	-3.00%	1.64%	1.64%	0.00%
Keowee Fire	14.5	14.4	14.5	n/a	n/a	n/a	0.69%

HIGHPOINTE/ POINTE WEST

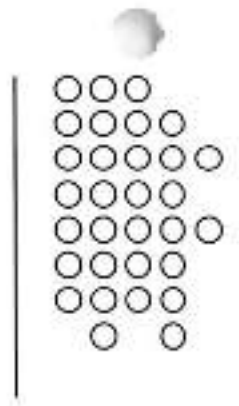


- Current Bond Payment
- Current Anticipated Tax Dollars
- Total Project Tax Dollars
- 15% Collateral of Existing FILOT

TAX NOTICES



- Processed On Time (Pending Millage Approval)
- On Public Access Computers as of September 30th
- Notices In Mail -1ST WEEK
OCTOBER



QUESTIONS

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: Sept. 6, 2011
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

Local and State ATAX grant request for August, 2011 cycle. As part of the new PRT Commission restructuring, it is the intent that ATAX grants will only be considered twice a year! The attached requests were approved by the PRT Commission on 08/25/11.

BACKGROUND OR HISTORY:

A portion of Local and State ATAX revenues received by Oconee County are made available for ATAX grants through Ordinance 2011-12. All ATAX grants are to be tourism related grants that meet the ATAX guidelines specified by local and State mandates. Grants are recommended by the PRT Commission and approved by County Council. All ATAX grant recipients are required to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant. These reports are placed in the grant folder, which is kept active by the PRT staff until the grant is considered complete.

SPECIAL CONSIDERATIONS OR CONCERNS:

Please see attached spreadsheet for breakdown of ATAX request and recommendations

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No [review #2001-15 on Procurement's website]
If no, explain briefly: NO-ATAX grants

STAFF RECOMMENDATION:

Approval of ATAX grant request per the attached spreadsheet!

FINANCIAL IMPACT:

Local ATAX balance = \$128,328

State ATAX balance = \$37,608

See spreadsheet for grant recommendations. If all grants are approved, new balances will be:

Local ATAX = \$83,255

State ATAX = \$37,608

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes

If yes, who is matching and how much: See attached spreadsheet!

ATTACHMENTS

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Phil Shirley, PRT Director
Department Head/Elected Official

Approved for Submittal to Council:


Scott Moulder, County Administrator

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

Local/State ATAX grants, August 2011

Applicant	Funds Request	Project Description	Amount Eligible for ATAX Review	Amount Eligible for ATAX Funding	PRT Commission Recommendation	State or Local ATAX
Blue Ridge Arts	\$10,000	5th Ann POP Open Studio (WYFF)\$5,000 Gallery Exhibits-\$3,500 New Looks Paper/Plastic show Transitions Annual Members Threadheads Fiber art Recession Proof Juried show SDOC Student show BlueRidgeArtsCouncil.com -\$1,500	\$7,390 \$1,860	\$5,000 \$850 \$1,500	\$2,500	Local
Cherokee Bear Clan	\$10,000	10-15 minute video-Cherokee History	\$10,000	\$10,000	Will review again next grant cycle	Local
City of Seneca	\$5,000	2nd Ann Half Marathon Advertising Runner Magazine/Greenville News	\$5,000	\$5,000	\$2,500	Local
Downtown Seneca Merchants Ass	\$14,976 \$4,851 \$1,350	ETV Your Day Radio Advertising Toccoa Record Advertising Anderson Independent Advertising	\$14,976 \$4,851 \$0	\$14,976 \$4,851 \$0	\$5,000	Local
Foothills YMCA	\$25,600	Keowee River Scarecrow Festival Spring Wildflower Festival	\$25,600	\$25,600	\$8,000	Local
Historic Old Pickens Foundation	\$1,500	Brochure Reprint	\$1,500	\$1,500	\$1,500	Local
Keep Oconee Beautiful Assn.	\$10,000	Landscape Beautification of I-85 Welcome Center Entrance	\$0	\$0	0	
Lunney Museum	\$1,500	Web Site-Lunney/Strickland Museum	\$1,500	\$1,500	\$1,500	Local
Westminster Chamber of Comm.	\$13,090	Mayberry Comes to Westminster	\$13,090	\$13,090	\$6,545	Local
Walhalla Chamber/ Merchants	\$15,574.17	Advertising for 33rd Oktoberfest	\$13,461.67	\$10,732	\$5,366	Local
Patriots Hall	\$1,500	Brochure Reprint	\$1,500	\$1,500	\$1,500	Local
SC Foothills Heritage Fair	\$30,588.50	Advertising for 3rd Annual Heritage Fair Received \$3,500 ATAX-May 2011	\$23,638.50	\$15,188	\$4,000	Local
SC Upstate Equine Council	\$6,000	Horse Play in May Expo Applicant to bring advertising quotes		0	0	
Upstate Heritage Quilt Trail	\$1,362	Sandlapper Magazine Ad	\$1,362	\$1,362	\$1,362	Local
Walhalla Civic Auditorium	\$24,119	WCA Season Advertising	\$24,119	\$24,119	\$5,300	Local
TOTAL	\$167,011			\$136,768	\$45,073	

- Notes:**
- Funds Requested= the amount the applicant is applying for.
 - Amount Eligible for ATAX Review= total amount of request that are fundable under ATAX guidelines
 - Amount Eligible for ATAX Funding=Based on tourism impact and direct out of market advertising, this is the maximum amount that could be funded with ATAX funds.
 - State or Local ATAX= Staff Recommendation of which fund to be used for Grant



NOTES
BUDGET, FINANCE & ADMINISTRATION COMMITTEE MEETING
August 18, 2011

Council Discussion/Workshop re: Oconee County Council District Redistricting

Mr. Roberts from the SC Budget & Control Board [SCBCB]

Mr. Art Holbrooks, Oconee County Planning Director

Ms. Joy Brooks with Oconee County Registration and Elections

Ms. Lisa Simmering, GIS Analyst

Mr. Moulder outlined the agenda as follows:

- [1] Census Data Information: Mr. Holbrooks
- [2] Oconee County Maps / Existing Districts/Precincts: Ms. Simmering
- [3] Proposed County District Maps/Data: Mr. Roberts
- [4] Impact on Registration & Elections: Ms. Brooks
- [5] Council Discussion

Mr. Roberts addressed the Committee utilizing several handouts [copies filed with these minutes] to include:

- Criteria for Developing Plans: Redistricting 2010
- Construction of a Redistricting Plan
- Oconee County Council Benchmark Statistics
- Oconee County Benchmark Plan Map
- Oconee County Council Plan 1 Statistics, and
- Oconee County Proposed Plan 1 Map

Mr. Roberts covered in his presentation the following:

- State, House & Congressional districts are governed by legislature
- County Council required to redistrict under the 1975 Home Rule Act
- School Districts lines are drawn by the legislature
- Council is recommended to adopt by Resolution the criteria they will utilize for redistricting
- Outlining the variance / deviation [10% or less] threshold and the SCBCB's recommendation of between 3-4%
- Defining deviation as taking the highest positive percent deviation and add the lowest negative percent deviation [disregard any algebraic sign]
- Outlining "retrogression" as it relates to a possible minority district
- Noting that districts must be contiguous and the plan should try to maintain constituent consistency
- Outlined the requirement for public hearings to obtain public input regarding the proposed changes.

Ms. Simmering presented to the Committee for review a proposal with district lines drawn by Oconee County; noting that in two areas the SCBCB drew the lines differently. Mr. Roberts noted that the County's proposed map had a 9.7% deviation.

Mr. Roberts outlined for the Committee the timeline for passage of an adopting ordinance; noting that October 31, 2011 is the optimum date for passage to allow the Department of Justice time for review [allowed up to 60 days] and questions [additional 60 days] so that citizens wishing to file for the 2012 elections will be able to confirm approved district lines.

Ms. Brooks addressed the Committee in support of the SCBCB's plan; noting that it is a good map utilizing almost all of the existing precincts. Ms. Brooks outlined for Council the voting precincts that would change district if Plan 1 is adopted:

- Long Creek and Madison District I to District IV
- Newry / Corinth District V to District III
- Bountyland District II to District I
- Mountain Rest District I to District II
- Keowee Will add a precinct based on population [location not yet identified]

Public Comment:

Ms. Susie Cornelius addressed the Committee utilizing a map that she prepared asking the Committee / Council to consider [1] going to seven council districts so that citizens with similar interest could be grouped together, and [2] to create a "hub" minority/majority district to include redrawing the council district lines.

Mr. Roberts responded to Ms. Cornelius noting that her map showing a proposed total district total of 14,897 with an African American population of 3,531; equaling approximately 20% which doesn't meet a 50+1% district requirement. He stated that the Department of Justice looks at each minority group independently when identifying if a minority/majority district is applicable.

New Business:

Rock Quarry Blaster

Mr. Moulder notified the Committee that effective immediately that the Rock Quarry is losing its Blaster who is getting out of the business. He stated that there is approximately six weeks of rock on the ground and several large projects looming. No New Business was discussed at this meeting. Mr. Moulder noted that an RFP process done well will leave the Quarry without rock to process. He requested that Council authorize him to appoint an interim blaster until such time as an RFP can be awarded. Discussion followed.

Mr. Thrift made a motion, seconded by Mr. Barron, approved 5 – 0 to authorize the Administrator to appoint an interim blaster until such time as the RFP can be awarded.

Redistricting Conclusion

It was the consensus of the Committee to move forward with the SDBCB Proposed Plan 1 map and agreed to schedule public hearings to begin the process of receiving community input. This matter will be placed on the September 6, 2011 Council agenda for ratification.



NOTES
TRANSPORTATION COMMITTEE MEETING
August 30, 2011
COMMITTEE MEMBERS

Ridge Road Widening Request / Ms. Judith Christian

Ms. Judith Christian addressed the Committee requesting that Ridge Road in Salem be considered for widening due to safety concerns. Ms. Christian also addressed concerns with the apron at the intersection with North Little River Road. Mr. Moulder also noted that work orders are in place to improve the apron and do some culvert cleaning.

Ms. Christian presented the Committee with a petition requesting widening of Ridge Road

Mr Thrift asked the County Administrator to work with the Roads & Bridges Department and the County Attorney to identify if right-of-ways can be obtained and to identify options for widening the roadway.

Ongoing Project Status / Staff Report

Doug Hollow Road

Mr. Moulder noted that Doug Hollow Road is currently under design review by the County Engineer. Mr. Kelly noted that the Consent Order was rendered to allow the County to transfer to SCDOT. Regarding the SCDOT right-of-way to the county; staff are waiting to receive the paperwork [expected within 3-4 weeks].



Providing Quality Services To Local Governments Since 1965.

TO: COG Board Members Representing Oconee and Greenville Counties
FROM: Joe Dill
DATE: August 17, 2011
RE: Aging Advisory Committee Vacancies

The Appalachian Regional Aging Advisory Committee has a vacancy for a representative for Oconee and Greenville Counties.

The duties of the Committee are to:

1. Advise the SCACOG Area Agency on Aging on matters relating to the development of the regional area plan.
2. Promote and encourage local communities to recognize the needs and promote the establishment of programs for older adults or person with disabilities.
3. Support and advocate on behalf of programs and services for older adults and persons with disabilities.
4. Establish service and program priorities based upon the needs of the local communities and the region.

We are seeking representatives who fall into at least one or more of the following categories: minority, caregiver, representative of the business community, representative of older persons, health care provider, program consumer, or a member of the general public with a demonstrated interest in the well being of older adults, persons with disabilities and/or community needs. Citizen members shall be defined as individuals who are not employed by an agency and/or an organization which either receives funds prioritized by the Council or which works closely with the Council.

The committee meets six times a year (October, December, February, April, June, and August) on the Wednesday prior to the COG Board meetings, which are usually on the fourth Friday of the month.

If you need additional information, please contact Beverly Allen at (864) 242-9733. We would appreciate any nominations you wish to submit by August 31, 2011.

Thank you for your assistance.

Appalachian Council of Governments Personal Biography/Nomination

Please Print:

NOMINATED BY: _____ PHONE: _____

Name/ Last: _____ First: _____ Preferred: _____

Representing: _____ (County)

Current Profession: _____

Mailing Address: _____

E-mail Address: _____

Contact Phone #: _____

Personal Information

Special Interests: _____

Comments:

RETURN TO:

Beverly Allen Appalachian COG

PO Box 6668

Greenville, SC 29606

FAX: 864 242-6957

Oconee County Jail GMP



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Guaranteed Maximum Price / Budget Comparison

Category	Base Budget 192 Beds	Add 96 Dorm	GMP Revised Budget	Unit	Unit Cost	Difference
Construction Cost	\$ 14,423,783	\$ 16,375,412	\$ 16,373,743	90,724	\$ 180.50	\$ (1,669)
Demolition	\$ -					
Owner Contingency	\$ 500,000.00	\$ 250,000	\$ 251,669			\$ 1,669
Subtotal	\$ 14,923,783	\$ 16,625,412	\$ 16,625,412			\$ -
Loose Equipment & Technology						
FFE	\$ 250,219	\$ 180,000	\$ 180,000	90,724	\$ 1.98	\$ -
Technology	\$ 154,000	\$ 154,000	\$ 154,000	90,724	\$ 1.70	\$ -
Subtotal	\$ 404,219	\$ 334,000	\$ 334,000	90,724	\$ 3.68	\$ -
Fees						
Architectural	\$ 832,000	\$ 928,540	\$ 928,540	90,724	\$ 10.23	\$ -
Testing	\$ 75,000	\$ 96,165	\$ 96,165	90,724	\$ 1.06	\$ -
Transition Services	\$ 74,619	\$ 73,962	\$ 73,962	90,724	\$ 0.82	\$ -
PM	\$ 570,837	\$ 632,033	\$ 632,033	90,724	\$ 6.97	\$ -
Subtotal	\$ 1,552,456	\$ 1,730,700	\$ 1,730,700	90,724	\$ 19.08	\$ -
Property Acquisition	\$ -					
Total Project	\$ 16,880,458	\$ 18,690,112	\$ 18,690,112	90,724	\$ 206.01	\$ -



Project Budget

Project Budget
Oconee County Detention Center/ 288 Bed Facility
September 6th, 2011

Category	Unit	Unit Cost	288 Bed Facility
Construction Cost			
New South Construction GMP	90,724	\$ 180.50	\$ 16,375,412
Demoliton	90,724		
Owner Contingency	90,724	\$ 2.76	\$ 250,000.00
Subtotal			\$ 16,625,412
Loose Equipment & Technology			
FFE	%	1.1%	\$ 180,000
Technology	90,724	\$ 1.70	\$ 154,000
Subtotal			\$ 334,000
Mangement, Design and Testing Fees			
Architectural	%	5.50%	\$ 928,540
Testing	1	ls	\$ 96,165
Transition Services	%	0.44%	\$ 73,962
PM	%	3.50%	\$ 632,033
Subtotal			\$ 1,730,700
Total Project			\$ 18,690,112



New South Construction GMP Estimate

Oconee County Detention Center Guaranteed Maximum Price Breakdown

Division	Name	Guaranteed Maximum Pricing		
		Units	Unit Cost	Cost
1	General Requirements	90724 sqft	\$ 1.76	\$ 159,458
2	Site Work	90724 sqft	\$ 5.01	\$ 454,110
3	Concrete	90724 sqft	\$ 8.51	\$ 771,714
4	Masonry	90724 sqft	\$ 12.90	\$ 1,170,380
5	Metals	90724 sqft	\$ 7.30	\$ 661,900
6	Woods & Plastics	90724 sqft	\$ 1.12	\$ 101,372
7	Thermal / Moisture Prot.	90724 sqft	\$ 6.44	\$ 584,098
8	Doors & Windows	90724 sqft	\$ 2.47	\$ 224,500
9	Finishes	90724 sqft	\$ 5.26	\$ 477,044
10	Specialties	90724 sqft	\$ 1.08	\$ 98,051
11	Equipment	90724 sqft	\$ 21.51	\$ 1,951,124
12	Furnishings	90724 sqft		N/A
13	Special Construction	90724 sqft	\$ 5.55	\$ 503,713
14	Conveying System	90724 sqft	\$ 1.42	\$ 128,500
15	Mechanical	90724 sqft	\$ 32.55	\$ 2,953,000
16	Electrical	90724 sqft	\$ 22.04	\$ 2,000,000
17	Security Electronics & Communications	90724 sqft	\$ 8.77	\$ 795,465
	Prefabricated Metal Detention Cells	118 each	\$ 13,516.95	\$ 1,595,000
	General Conditions	13.5 mnth	\$ 52,000.00	\$ 702,000
	Subguard			\$ 163,737
	Design Contingency	1%		\$ 154,952
	Construction Contingency	1%		\$ 154,952
	Fee	3.67%		\$ 568,673
	Impact Fees	N/A		
	Total Construction	90724 sqft	\$ 180.48	\$ 16,373,743
	Owner's Disbursements			
	Subtotal			
	Total Project			
	Cost Per Bed	288 beds	\$ 56,853	\$ 16,373,743



Project Schedule Highlights

- Approve/Accept GMP – 9/6/11
- CMAR Site Construction Subcontracts by 9/20/11
- CMAR Completes Subcontract Awards by 12/14/11
- Site Work Begins 10/14/11
- Construction Complete 11/23/12

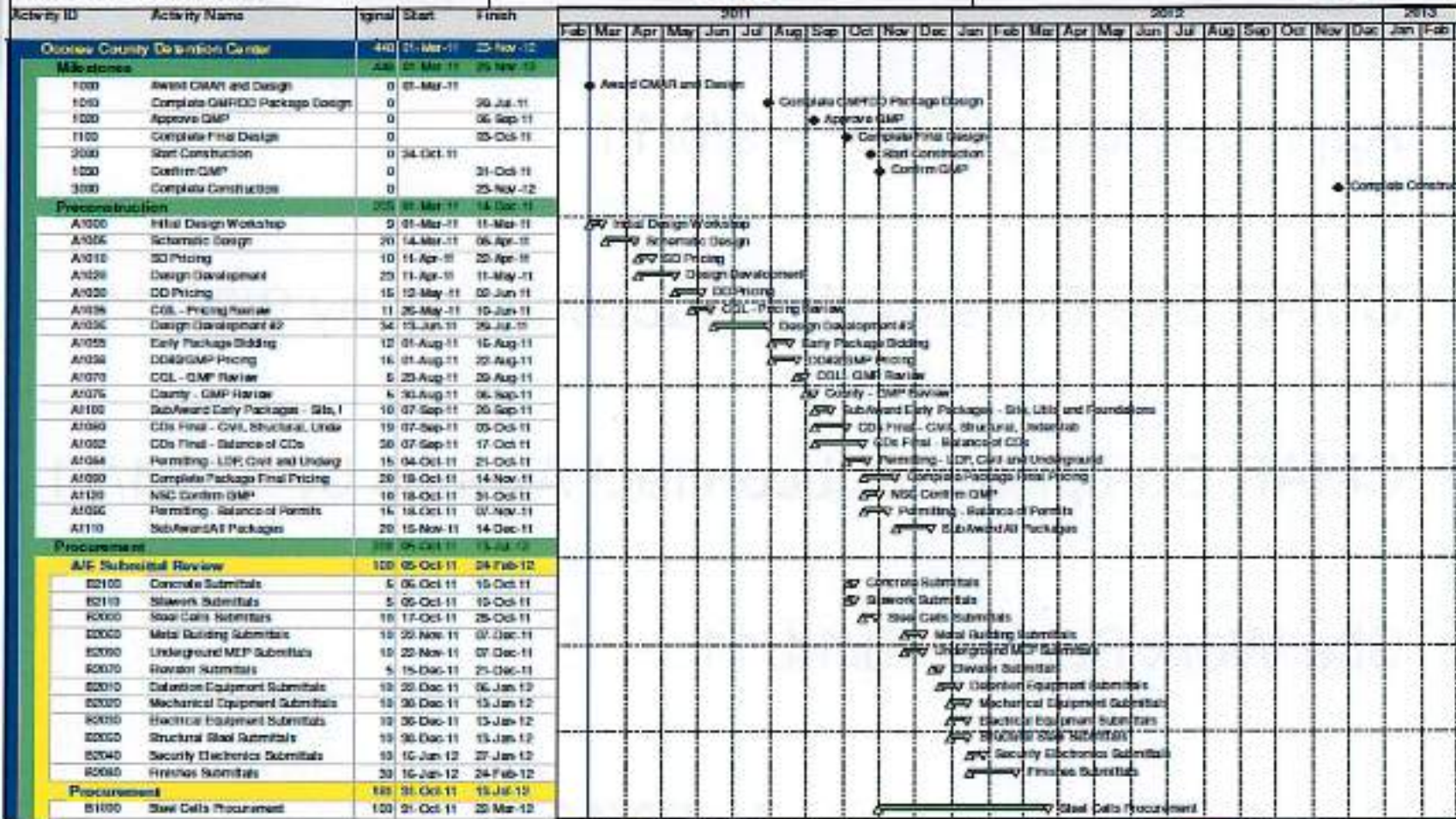


Construction Schedule

Oconee County Detention Center

Page 1 of 3

Date: 01-Mar-12

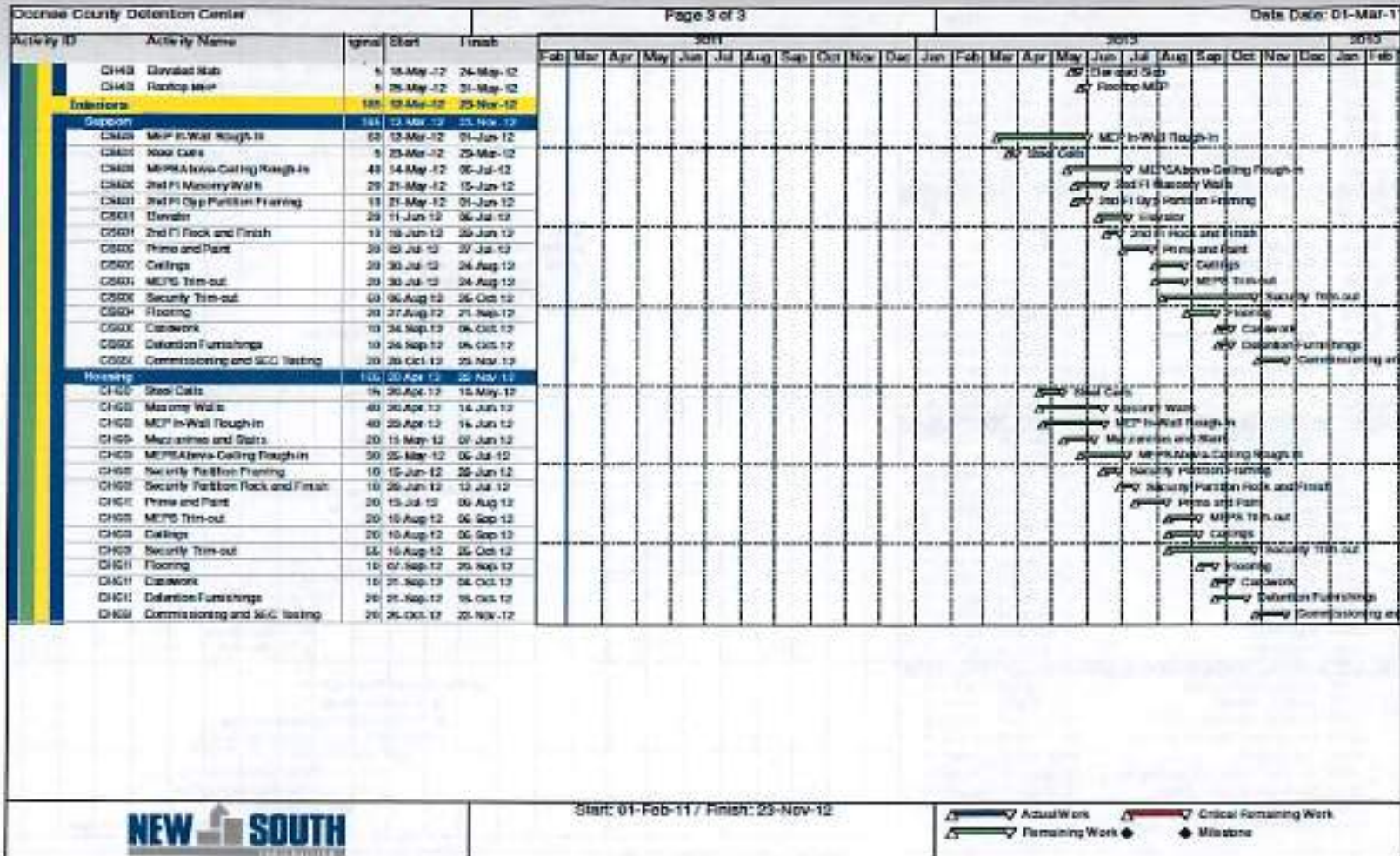


START: 01-FEB-11 / FINISH: 23-NOV-12

Actual Work
 Critical Remaining Work
 Remaining Work
 Milestone



Construction Schedule



Next Steps

- Authorize County Administrator to Approve and Accept GMP and Project Budget





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Fayetteville, GA 30214

T (770) 716-0081

F (678) 716-9081

www.cartergoblelee.com

**Oconee County Detention Center
Guaranteed Maximum Price Breakdown**

Division	Name	Guaranteed Maximum Pricing		
		Units	Unit Cost	Cost
1	General Requirements	90724 sqft	\$ 1.76	\$ 159,458
2	Site Work	90724 sqft	\$ 5.01	\$ 454,110
3	Concrete	90724 sqft	\$ 8.51	\$ 771,714
4	Masonry	90724 sqft	\$ 12.90	\$ 1,170,380
5	Metals	90724 sqft	\$ 7.30	\$ 661,900
6	Woods & Plastics	90724 sqft	\$ 1.12	\$ 101,372
7	Thermal / Moisture Prot.	90724 sqft	\$ 6.44	\$ 584,098
8	Doors & Windows	90724 sqft	\$ 2.47	\$ 224,500
9	Finishes	90724 sqft	\$ 5.26	\$ 477,044
10	Specialties	90724 sqft	\$ 1.08	\$ 98,051
11	Equipment	90724 sqft	\$ 21.51	\$ 1,951,124
12	Furnishings	90724 sqft		N/A
13	Special Construction	90724 sqft	\$ 5.55	\$ 503,713
14	Conveying System	90724 sqft	\$ 1.42	\$ 128,500
15	Mechanical	90724 sqft	\$ 32.55	\$ 2,953,000
16	Electrical	90724 sqft	\$ 22.04	\$ 2,000,000
17	Security Electronics & Communications	90724 sqft	\$ 8.77	\$ 795,465
	Prefabricated Metal Detention Cells	118 each	\$ 13,516.95	\$ 1,595,000
	General Conditions	13.5 mnth	\$ 52,000.00	\$ 702,000
	Subguard			\$ 163,737
	Design Contingency	1%		\$ 154,952
	Construction Contingency	1%		\$ 154,952
	Fee	3.67%		\$ 568,673
	Impact Fees	N/A		
Total Construction		90724 sqft	\$ 180.48	\$ 16,373,743
Owner's Disbursements				
Subtotal				
Total Project				
Cost Per Bed		288 beds	\$ 56,853	\$ 16,373,743

Category	Base Budget 192 Beds	Add 96 Dorm	GMP Revised Budget	Unit	Unit Cost	Difference
Construction Cost	\$ 14,423,783	\$ 16,375,412	\$ 16,373,743	90,724	\$ 180.50	\$ (1,669)
Demoliton	\$ -					
Owner Contingency	\$ 500,000.00	\$ 250,000	\$ 251,669			\$ 1,669
Subtotal	\$ 14,923,783	\$ 16,625,412	\$ 16,625,412			\$ -
Loose Equipment & Technology						
FFE	\$ 250,219	\$ 180,000	\$ 180,000	90,724	\$ 1.98	\$ -
Technology	\$ 154,000	\$ 154,000	\$ 154,000	90,724	\$ 1.70	\$ -
Subtotal	\$ 404,219	\$ 334,000	\$ 334,000	90,724	\$ 3.68	\$ -
Fees						
Architectural	\$ 832,000	\$ 928,540	\$ 928,540	90,724	\$ 10.23	\$ -
Testing	\$ 75,000	\$ 96,165	\$ 96,165	90,724	\$ 1.06	\$ -
Transition Services	\$ 74,619	\$ 73,962	\$ 73,962	90,724	\$ 0.82	\$ -
PM	\$ 570,837	\$ 632,033	\$ 632,033	90,724	\$ 6.97	\$ -
Subtotal	\$ 1,552,456	\$ 1,730,700	\$ 1,730,700	90,724	\$ 19.08	\$ -
Property Acquisition	\$ -					
Total Project	\$ 16,880,458	\$ 18,690,112	\$ 18,690,112	90,724	\$ 206.01	\$ -



Activity ID	Activity Name	Signal	Start	Finish	2011												2012												2013	
					Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	
CH40	Elevated Slab	5	18-May-12	24-May-12																										
CH40	Roofing MEP	5	25-May-12	31-May-12																										
Interiors					105	12-Mar-12	23-Nov-12																							
Support					105	12-Mar-12	23-Nov-12																							
CS601	MEP In-Wall Rough-in	60	12-Mar-12	01-Jun-12																										
CS611	Steel Cells	5	29-Mar-12	29-Mar-12																										
CS601	MEPS Above-Ceiling Rough-in	40	14-May-12	09-Jul-12																										
CS601	2nd Fl Masonry Walls	20	21-May-12	15-Jun-12																										
CS601	2nd Fl Gyp Partition Framing	10	21-May-12	01-Jun-12																										
CS611	Elevator	20	11-Jun-12	09-Jul-12																										
CS601	2nd Fl Rock and Finish	10	18-Jun-12	23-Jun-12																										
CS601	Prime and Paint	20	02-Jul-12	27-Jul-12																										
CS601	Ceilings	20	30-Jul-12	24-Aug-12																										
CS601	MEPS Trim-out	20	30-Jul-12	24-Aug-12																										
CS601	Security Trim-out	60	06-Aug-12	26-Oct-12																										
CS601	Flooring	20	27-Aug-12	21-Sep-12																										
CS601	Casework	10	24-Sep-12	05-Oct-12																										
CS601	Detention Furnishings	10	24-Sep-12	05-Oct-12																										
CS651	Commissioning and SEC Testing	20	29-Oct-12	23-Nov-12																										
Housing					150	30-Apr-12	23-Nov-12																							
CH60	Steel Cells	15	20-Apr-12	10-May-12																										
CH60	Masonry Walls	40	20-Apr-12	14-Jun-12																										
CH60	MEP In-Wall Rough-in	40	23-Apr-12	15-Jun-12																										
CH60	Mezzanines and Stairs	20	11-May-12	07-Jun-12																										
CH60	MEPS Above-Ceiling Rough-in	30	25-May-12	05-Jul-12																										
CH60	Security Partition Framing	10	15-Jun-12	23-Jun-12																										
CH60	Security Partition Rock and Finish	10	29-Jun-12	12-Jul-12																										
CH61	Prime and Paint	20	13-Jul-12	09-Aug-12																										
CH60	MEPS Trim-out	20	10-Aug-12	05-Sep-12																										
CH60	Ceilings	20	10-Aug-12	09-Sep-12																										
CH60	Security Trim-out	55	10-Aug-12	25-Oct-12																										
CH61	Flooring	10	07-Sep-12	20-Sep-12																										
CH61	Casework	10	21-Sep-12	04-Oct-12																										
CH61	Detention Furnishings	20	21-Sep-12	18-Oct-12																										
CH651	Commissioning and SEC Testing	20	26-Oct-12	23-Nov-12																										



Start: 01-Feb-11 / Finish: 23-Nov-12

Actual Work
 Critical Remaining Work
 Remaining Work
 Milestone

CERTIFICATE OF APPRECIATION



'BUILDING SPECIALLY ADAPTED HOMES FOR OUR SEVERELY
INJURED SERVICE MEMBERS'

Homes for Our Troops builds new or adapts existing homes for handicap accessibility for our servicemen and women who have selflessly given to their country and have returned home with serious disabilities and injuries. We are an organization strongly committed and proud to be helping our American Heroes and their immediate families adjust to life once they have returned home.

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OCONEE COUNTY COUNCIL

IN GRATEFUL RECOGNITION OF YOUR EFFORTS
TO SUPPORT HOMES FOR OUR TROOPS

JOHN GONSALVES, PRESIDENT

THOMAS BENOIT, VP/CFO

DAWN TEIXEIRA, VP/CIO